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Briefings on How To Use the Federal Register—  
For information on briefings in Denver, CO, see  
announcement on the inside cover of this issue.

# Federal Register



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## THE FEDERAL REGISTER

### WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 2 1/2 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
  2. The relationship between the Federal Register and Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

### DENVER, CO

- WHEN:** December 15; at 9 a.m.
- WHERE:** Room 239, Federal Building, 1961 Stout Street, Denver, CO.
- RESERVATIONS:** Call the Denver Federal Information Center, 303-844-6575

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# Rules and Regulations

Federal Register

Vol. 52, No. 231

Wednesday, December 2, 1987

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

### 5 CFR Part 1600

#### Employee Elections To Contribute to the Thrift Savings Plan

**AGENCY:** Federal Retirement Thrift Investment Board.

**ACTION:** Revised interim rule with request for comments.

**SUMMARY:** The Executive Director of the Federal Retirement Thrift Investment Board is publishing in 5 CFR Part 1600 revised interim rules concerning the procedures governing the establishment of open seasons and election periods for federal employees to elect to make or change regular contributions to the Thrift Savings Plan. The interim rule is being revised in full to extend the rules for election to contribute to the thrift savings plan to the November 1987-January 1988 open season. The revised interim rule deals with elections by certain groups which were not addressed in the original interim rule.

**DATE:** Interim rules effective November 15, 1987; comments must be received on or before January 31, 1988.

**ADDRESSES:** Comments may be sent to: James B. Petrick, Federal Retirement Thrift Investment Board, P.O. Box 18899, Washington, DC 20036.

**FOR FURTHER INFORMATION CONTACT:** James B. Petrick, (202) 653-2573.

**SUPPLEMENTARY INFORMATION:** Section 1600.3 has been revised to eliminate the requirement of creditable service as defined in section 8411(b)(2) of Title 5, since that requirement was deleted by amendment to Title 5 (Pub. L. 100-20). Section 1600.3 has also been revised to reflect the treatment of new and rehired FERS employees during the November 1987-January 1988 open season. The revised language makes it clear that for the November 1987-January 1988 open

season, like the May-July 1987 open season, if an employee is employed or reemployed during the portion of the open season that precedes the election period (that is, before the last month of the open season) that open season will count for any waiting period to which the employee is subject. For example, if a FERS employee is hired on November 30, 1987, he or she can participate in July of 1988. This is the second open season for that employee, since the November-January open season is counted as the first open season. If the employee is not hired until January 4, 1988, however, he or she cannot participate until January of 1989.

Section 1600.4(a)(1) has been revised by deleting language which suggested that a participant could only choose to make contributions for the first time during an open season. Contributions can also be resumed during an open season if they were previously terminated.

Section 1600.7 has been revised in several ways. First, clarifying language has been added to indicate that an election is effective the first day of the appropriate pay period. Second, language limiting the effect of the election to the February-April and May-July 1987 open seasons has been removed in order to clarify that this section also applies to the November 1987-January 1988 open season. Finally, the section has been revised to reflect that termination decisions are effective on the last day of the pay period in which the agency accepts the termination, rather than the first day of the following pay period. This comports with actual agency payroll office practice.

Section 1600.12(b) is revised to clarify that the 30-day period following an election to transfer to the FERS system during which an employee can make an election to participate in the Thrift Savings Plan runs from the effective date of the election to transfer, not from the date that election is made. However, this change does not prevent an employee from making both elections simultaneously.

A new subsection 1600.12(c) is added to clarify that a CSRS employee who is already contributing to TSP when that employee transfers to FERS will have his or her contributions treated as contributions from a FERS employee (and thus subject to matching

contributions) as of the effective date of the transfer. If the employee fails to make a new election, the contribution rate the employee has chosen while under CSRS will be considered to be the FERS contribution rate for purposes of calculating matching contributions. The sole exception to this system is where the CSRS employee elected to contribute 7.5% of his salary as allowed by law during the special "catch up" period in 1987. If such employee chose to transfer to FERS while the 7.5% rate was in effect, the employee's FERS contribution rate would be 7%, since partial percentage contributions to FERS are not permitted.

Section 1600.13 has been revised to make the rules for reemployed CSRS participants in the November 1987-January 1988 open season consistent with those for new and reemployed FERS participants as set forth in § 1600.3. Language is also added to make it clear that the only election which a reemployed CSRS participant can make is the election to contribute set forth in § 1600.4(a)(1).

A new Subpart E has been added to deal with elections to participate in the Thrift Savings Plan made by certain senior officials who were not addressed in the original proposed regulations. The affected senior officials are those persons who were brought under mandatory social security coverage as a result of the Social Security Amendments of 1983, had special retirement election opportunities in December 1983 and September 1984, and have continued without a break in service exceeding 365 days in the same type of position. Such officials were required to choose either coverage by full CSRS and Social Security, by Social Security only, or by interim CSRS (1.3%) and Social Security. These senior officials must now choose whether to transfer to FERS, whether to choose to have CSRS offset coverage, whether to remain covered by full CSRS and Social Security, or whether to continue with Social Security coverage only. Sections 1600.14, 1600.15 and 1600.16 describe the treatment of employees who choose to transfer to a particular system. In general, if an employee transfers to the FERS system, the employee will be allowed to make an election to participate in the Thrift Savings Plan in accordance with § 1600.12. If the employee chooses to transfer to CSRS or

CSRS offset the employee will be permitted to make a new Thrift Savings Plan election only if the employee was not already participating in the Thrift Savings Plan as a CSRS employee. Finally, if an employee who is covered by Social Security chooses to have no other retirement coverage, that employee will not be permitted to participate in the Thrift Savings Plan.

A new subpart F is added. Section 1600.17 deals with CSRS employees who are appointed, without a break in service, to a position in which they must be covered by Social Security and are thus required to be covered by either FERS or the CSRS offset provisions. If such employees are then covered by FERS, they will be able to make an election to participate in TSP under the rules set forth in § 1600.12. If they are covered by the CSRS offset, they will not be permitted to make any special election, since they will continue to be treated as CSRS employees for purposes of the Thrift Savings Plan.

Section 1600.18 clarifies that reemployed participants who had terminated Thrift Savings Plan contributions before they separated but who are reemployed before their waiting period to resume contributions would have expired, will be treated as reemployed participants and will be allowed to participate under the rules stated in § 1600.3 or § 1600.13, whichever is applicable, rather than under the rules stated in § 1600.5.

#### Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities. They will affect only internal government procedures for contributing to the Thrift Savings Plan.

#### Paperwork Reduction Act

I certify that these regulations do not require additional reporting under the criteria of the Paperwork Reduction Act of 1980.

Pursuant to 5 U.S.C. 553(b)(B) and (d)(3), I find that good cause exists for waiving the general notice of proposed rulemaking and for making these regulations effective in less than 30 days. The open season to which these regulations relate began November 15, 1987.

#### List of Subjects in 5 CFR Part 1600

Employee benefit plans, Government employees, Retirement, Pensions.

Federal Retirement Thrift Investment Board.  
Francis X. Cavanaugh,  
Executive Director.

Part 1600 of Title 5 of the Code of Federal Regulations is revised to read as follows:

### PART 1600—EMPLOYEE ELECTIONS TO CONTRIBUTE TO THE THRIFT SAVINGS PLAN

#### Subpart A—General

Sec.

1600.1 Definitions.

#### Subpart B—Elections

1600.2 Periods for making elections.

1600.3 Eligibility of a Federal Employees' Retirement System employee to make an election.

1600.4 Types of elections.

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#### Subpart C—Program of Contributions

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#### Subpart E—Elections by Certain Senior Officials Who Were Brought Under Social Security Coverage on January 1, 1984 Pursuant to the Social Security Act Amendments of 1983

1600.14 Officials covered by Social Security who elected full CSRS coverage.

1600.15 Officials covered by Social Security who elected to have no other retirement coverage.

1600.16 Officials who elected interim CSRS and Social Security coverage.

#### Subpart F—Miscellaneous

1600.17 CSRS employees who are appointed without a break in service to a position mandatorily covered by Social Security and who are consequently covered by either FERS or the CSRS offset system.

1600.18 Reemployed participants who had previously terminated TSP contributions.

Authority: 5 U.S.C. 8351, 5 U.S.C. 8432 (b)(1)(A), 5 U.S.C. 8474 (b)(5) and (c)(1).

#### Subpart A—General

##### § 1600.1 Definitions.

Terms used in this part shall have the following meanings:

"Act" means the Federal Employees' Retirement System Act of 1986, as amended.

"Basic pay" means basic pay as defined in 5 U.S.C. 8431.

"Board" means the Federal Retirement Thrift Investment Board established pursuant to 5 U.S.C. 8472.

"CSRS" means the civil service retirement system established by Subchapter III of Chapter 83 of Title 5, United States Code.

"CSRS employee" means "employee" as defined in 5 U.S.C. 8331(1) or "Member" as defined in 5 U.S.C. 8331(2).

"Election period" means the last calendar month of an open season and is the earliest period in which an election during that open season to make or change a contribution can become effective.

"Employee" or "FERS employee" means "employee" as defined in 5 U.S.C. 8401(11) or "Member" as defined in 5 U.S.C. 8401(20).

"Employing agency" means the agency which is responsible for making contributions to the Thrift Savings Plan on behalf of a FERS employee or a CSRS employee.

"Executive Director" means the Executive Director of the Federal Retirement Thrift Investment Board, as defined in 5 U.S.C. 8401(13) and as further described in 5 U.S.C. 8474.

"FERS" means the Federal employees' retirement system established by Chapter 84 of Title 5, United States Code.

"Highly compensated employee" means an employee with annual basic pay of more than \$50,000. This amount is subject to adjustment from time to time in accordance with applicable tax laws and regulations.

"Open season" means the period during which employees may make an election with respect to the Thrift Savings Plan.

"Thrift Savings Plan" means the activity established pursuant to Subchapter III of Pub. L. No. 99-335 (June 6, 1986), the Federal Employees' Retirement System Act of 1986.

#### Subpart B—Elections

##### § 1600.2 Periods for making elections.

(a) *Initial open seasons.* The first open season will commence on February 15, 1987 and end on April 30, 1987. The period April 1, 1987 through April 30, 1987 is a designated election period pursuant to 5 U.S.C. 8432(b)(4)(A). The second open season will commence on May 15, 1987 and end on July 31, 1987. The period July 1, 1987 through July 31, 1987 is a designated election period pursuant to section 6001(c)(2) of Pub. L. 99-509 (Oct. 21, 1986), the Omnibus Budget Reconciliation Act of 1986.

(b) *Subsequent open seasons.* The beginning and ending dates of all open seasons subsequent to the open season ending on July 31, 1987 will be announced in a notice published in the *Federal Register* no later than 30 calendar days prior to the beginning of such open seasons.

(c) *Number of elections.* Except for an election to terminate, an employee may make only one election during an open season.

(d) *Belated elections.* When an employing agency determines that an employee was unable, for reasons beyond the employee's control, to make an election within the time limits prescribed by these regulations, that agency may accept the employee's election within 30 calendar days after it advises the employee of that determination. Such election shall become effective not later than the first pay period beginning after the date that the agency accepts the employee's election form.

**§ 1600.3 Eligibility of a Federal Employees' Retirement System Employee to make an election.**

(a) Each employee who was an employee on January 1, 1987 and continues as an employee without a break in service from January 1, 1987 through April 1, 1987 may make an election during the open season which begins on February 15, 1987 and ends on April 30, 1987.

(b) Except as provided in paragraph (c) of this section, each employee who is not eligible by virtue of paragraph (a) of this section to make an election during the open season beginning on February 15, 1987 shall not be eligible to make an election until the second open season (determined in accordance with paragraph (d) of this section) beginning after such employee's date of commencement of service as an employee.

(c) Any employee who is reemployed by the federal government and who, during a previous period of service, had become eligible to participate in the Thrift Savings Plan under the foregoing paragraphs (a) or (b) of this section shall be eligible during the first open season (determined in accordance with paragraph (d) of this section) beginning after the date of reemployment to make an election.

(d) For an employee employed or reemployed during an open season beginning on or before November 15, 1987, but whose employment or reemployment during such open season is prior to the election period occurring during the last calendar month of the open season, the open season during

which the employee was employed or reemployed shall be considered the first open season.

**§ 1600.4 Types of elections.**

(a) *Contribution.* During an open season, an eligible employee may elect any one of the following:

(1) To make contributions;

(2) To change the amount of existing contributions; or

(3) To terminate contributions.

(b) *Investment choices.* Contributions made for pay periods beginning in 1987 will be invested only in the Government Securities Investment Fund established by 5 U.S.C. 8438(b)(1)(A). Subsequent contributions may be invested in accordance with regulations which will provide contributing employees the option of investing limited amounts in the Fixed Income Investment Fund and the Common Stock Index Investment Fund established by 5 U.S.C. 8438 (b)(1)(B), (b)(1)(C), and (b)(2).

**§ 1600.5 Termination of contributions.**

Notwithstanding §§ 1600.4 and 1600.6, an employee may elect to terminate contributions to the Thrift Savings Plan at any time. If an employee makes an election to terminate during an open season, the employee, if otherwise eligible, may make an election to resume contributions during the next open season. If the election to terminate contributions is not made during an open season, the employee may not make an election to resume contributions until the second open season beginning after such election to terminate.

**§ 1600.6 Method of election.**

Each employee shall make an election, as described in § 1600.4 or § 1600.5, by completing and submitting to the employing agency an original or facsimile of Form No. TSP 1, entitled "Election Form," at any time during the open season. This form must be accepted by the employing agency, as evidenced by the signature of the responsible agency official on the election form, before an election can become effective.

**§ 1600.7 Effective dates of elections.**

For each employee whose election form is accepted by the employing agency during the portion of an open season which precedes a prescribed election period, the election, except for an election to terminate contributions, shall become effective as of the first day of the first pay period beginning on or after the first day of the election period. Elections accepted by the employing agency during the last calendar month

of the open season (i.e., the election period) shall become effective no later than the first day of the first pay period beginning after the date on which the employing agency accepts the election form. An election to terminate contributions to the Thrift Savings Plan, whenever made shall become effective as of the last day of the pay period in which the employing agency accepts the election form.

**Subpart C—Program of Contributions**

**§ 1600.8 General.**

Once an employee's election to make contributions to the Thrift Savings Plan becomes effective, the employing agency shall, for the pay period the election becomes effective and for each subsequent pay period until a new election becomes effective, deduct from the employee's basic pay the percentage of basic pay or the whole dollar amount elected by the employee not to exceed the applicable maximum contribution set forth in § 1600.10. If the employee's elected whole dollar amount exceeds the amount of pay available for such deduction, no deduction will be made for that pay period.

**§ 1600.9 Contributions in whole numbers.**

Except in the case of a 7.5 percent contribution made by a CSRS employee as described in § 1600.10(b) of this part, contributions may be made only in whole percentage amounts or whole dollar amounts.

**§ 1600.10 Maximum contributions.**

(a) *FERS employees.* Except as provided in paragraph (c) of this section, for the period starting with the first pay period beginning on or after April 1, 1987 and ending with the last pay period beginning on or before September 30, 1987, the maximum FERS employee contribution is 15 percent of basic pay. Starting with the first pay period beginning on or after October 1, 1987, the maximum FERS employee contribution is 10 percent of basic pay.

(b) *CSRS employees.* For the period starting with the first pay period beginning on or after April 1, 1987 and ending with the last pay period beginning on or before September 30, 1987, the maximum CSRS employee contribution is 7.5 percent of basic pay. Starting with the first pay period beginning on or after October 1, 1987, the maximum CSRS employee contribution is 5 percent of basic pay.

(c) *CSRS employees who transfer to FERS.* The maximum employee contribution for CSRS employees who have transferred to FERS and have elected to participate in the Thrift

Savings Plan, as described in § 1600.12, is 10 percent of basic pay.

(d) *Highly compensated employees.* The Internal Revenue Code places a ceiling of \$7,000 per year on the amount which an employee may save on a tax-deferred basis through plans such as the Thrift Savings Plan. Another IRS provision requires that the Plan not discriminate in favor of highly compensated employees. To conform with these rules, contributions made by highly compensated employees may be restricted or refunded from time to time.

**§ 1600.11 Required reductions of contribution rates.**

The employing agency shall reduce the contribution of any FERS employee or CSRS employee whose elected contribution exceeds the applicable maximum percentage set forth in § 1600.10 (a) or (b). For any FERS employee or CSRS employee covered by this section who has elected to contribute a percentage of basic pay, the employing agency shall automatically reduce the contribution rate to the applicable maximum percentage. For any FERS employee or CSRS employee covered by this section who has elected to contribute a whole dollar amount, the employing agency shall reduce the whole dollar amount to the highest whole dollar amount which does not exceed the applicable maximum percentage.

**Subpart D—Civil Service Retirement System Employees**

**§ 1600.12 Election period for Civil Service Retirement System employees who transfer to the Federal Employees' Retirement System.**

(a) *General.* Section 8432(b)(3) of the Act authorizes the Executive Director to provide a reasonable period following the election by an eligible CSRS employee to transfer to FERS for that employee to make an election to contribute to the Thrift Savings Plan.

(b) *Individual election period.* Notwithstanding § 1600.2(c), each CSRS employee who transfers to FERS may make an election to contribute to the Thrift Savings Plan at the same time the individual elects to become subject to FERS and for 30 calendar days after the effective date of such election. The election options set forth in § 1600.4 shall be available to each such individual, and elections shall be made by the method described in § 1600.8. An election to contribute to the Thrift Savings Plan shall become effective no later than the first day of the first pay

period following the acceptance of the election form by the employing agency. Such individual shall be subject to all provisions of this part except as limited by § 1600.10(c).

(c) Beginning upon the effective date of the employee's election to transfer to FERS, until the employee makes an election to contribute to the Thrift Savings Plan under paragraph (b) of this section, the rate of contribution as a CSRS employee will be considered to be the rate of contribution as a FERS employee. The preceding sentence shall not apply where the CSRS employee's contribution rate was 7.5%. In such case, until the employee elects otherwise, the employee's FERS contribution rate shall be 7%.

**§ 1600.13 Contributions by Civil Service Retirement System employees.**

(a) *General.* 5 U.S.C. 8351 permits CSRS employees to elect to contribute to the Thrift Savings Plan for investment in the Government Securities Investment Fund only. The initial open season for CSRS employees who were employees as of March 31, 1987 shall be February 15, 1987 through April 30, 1987. The next open season for such employees with no intervening break in employment shall be May 15, 1987 through July 31, 1987. An election made during an open season by a CSRS employee shall become effective as described in § 1600.7.

(b) *Election upon reemployment.* A CSRS employee reemployed on or after April 1, 1987, who was not previously eligible to contribute to the Thrift Savings Plan, may make an election to contribute as described in § 1600.4(a)(1) during the second open season (determined in accordance with paragraph (d) of this section) beginning after the date of the employee's reemployment.

(c) A CSRS employee reemployed on or after April 1, 1987 who was previously eligible to contribute to the Thrift Savings Plan may make an election to contribute as described in § 1600.4(a)(1) during the first open season (determined in accordance with paragraph (d) of this section) beginning after the date of the employee's reemployment.

(d) For a CSRS employee employed or reemployed during the open season beginning on November 15, 1987 and ending on January 31, 1988, but whose employment or reemployment during such open season is prior to the election period occurring during the last calendar month of that open season, the November 15, 1987-January 31, 1988

open season shall be considered the first open season.

(e) Applicability of other sections. All sections in Subparts A through C shall apply to CSRS employees except for §§ 1600.3, 1600.4(b), and 1600.10 (a) and (c), or where otherwise specifically stated.

**Subpart E—Elections by Certain Senior Officials Who Were Brought Under Social Security Coverage on January 1, 1984, Pursuant to the Social Security Act Amendments of 1983**

**§ 1600.14 Officials Covered by Social Security who elected full CSRS coverage.**

Officials who elected full coverage by both the CSRS and Social Security systems have the option pursuant to 5 CFR 846.201, to transfer to FERS. Alternatively, such officials may elect CSRS offset coverage or may elect to continue full CSRS coverage. If such officials transfer to FERS, they may make an election to participate in the Thrift Savings Plan under the rules and conditions described in § 1600.12. If such officials elect either full or offset CSRS coverage, they may not make any special election to participate in the Thrift Savings Plan as a result of such election and they will continue to be treated as CSRS employees under this Part.

**§ 1600.15 Officials covered by Social Security who elected to have no other retirement coverage.**

Officials who have only Social Security coverage have the option pursuant to 5 CFR 846.201 to transfer to FERS. Alternatively, such officials may elect CSRS offset coverage or may elect to continue to have no retirement coverage other than Social Security. If such officials transfer to FERS, they may make an election to participate in the Thrift Savings Plan under the rules and conditions described in § 1600.12. If such officials elect coverage under the CSRS offset system, they may make an election to participate in the Thrift Savings Plan as a CSRS employee at the same time as the election to become subject to the CSRS offset system, or within 30 calendar days after the effective date of such election. If such officials continue coverage under Social Security only, they may not participate in the Thrift Savings Plan.

**§ 1600.16 Officials who elected interim CSRS and Social Security coverage.**

Officials who elected interim CSRS and Social Security coverage have the

option pursuant to 5 CFR 846.201 to transfer to FERS. Alternatively, such officials may elect CSRS offset coverage. If such officials transfer to FERS, they may make an election to participate in the Thrift Savings Plan under the rules and conditions described in § 1600.12. If such officials elect coverage under the CSRS offset provisions, they may not make any special election to participate in the Thrift Savings Plan as a result of such election and they will continue to be treated as CSRS employees under this Part.

#### Subpart F—Miscellaneous

§ 1600.17 CSRS employees who are appointed without a break in service to a position mandatorily covered by Social Security and who are consequently covered by either FERS or the CSRS offset system.

(a) CSRS employees who are appointed to a position mandatorily covered by Social Security, who are consequently required by law to become subject to FERS as a result of such appointment, and who do not have a break in employment of more than three calendar days between their old and new positions, will be eligible to make a new election to participate as a FERS employee in the Thrift Savings Plan under this Part, under the rules and conditions described in § 1600.12.

(b) CSRS employees who are appointed to a position mandatorily covered by Social Security, who are required by law to become subject to the CSRS offset system as a result of such appointment, and who do not have a break in employment of more than three calendar days between the old and new positions will be eligible to participate as an employee under CSRS offset in this new position. They may not make any special election to participate in the Thrift Savings Plan as a result of such appointment. These officials shall continue to be treated as CSRS employees under this Part.

§ 1600.18 Reemployed participants who had previously terminated TSP contributions.

An employee reemployed by an agency after terminating contributions to the Thrift Savings Plan pursuant to § 1600.5 shall be eligible to contribute to the Thrift Savings Plan under the provisions of § 1600.3(c) (in the case of FERS employees) and § 1600.13(c) (in the case of CSRS employees).

[FR Doc. 87-27602 Filed 12-1-87; 8:45 am]

BILLING CODE 5760-01-M

## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

#### 7 CFR Part 423

[Amdt No. 1; Doc. No. 50585]

#### Flax Crop Insurance Regulations

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) amends the Flax Crop Insurance Regulations (7 CFR Part 423), effective for the 1988 crop year. The intended effect of this rule is to maintain the effectiveness of the present Flax Crop Insurance Regulations only through the 1987 crop year. It is proposed in a separate document that the provisions currently contained in this Part will be issued as an endorsement to 7 CFR Part 401, General Crop Insurance Regulations as § 401.116, Flax Endorsement, effective for the 1988 and succeeding crop years. 7 CFR Part 401 is a standard set of regulations and a master policy for insuring most crops which substantially reduces: (1) The time involved in amendment or revision; (2) the necessity of the present repetitious review process; and (3) the volume of paperwork processed by FCIC.

**EFFECTIVE DATE:** December 2, 1987.

**FOR FURTHER INFORMATION CONTACT:** Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447-3325.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed under USDA procedures established by Departmental Regulation 1512-1. This action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is August 1, 1989.

E. Ray Fosse, Manager, FCIC, (1) has determined that this action is not a major rule as defined by Executive Order 12291 because it will not result in: (a) An annual effect on the economy of \$100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) certifies that this action will not

increase the federal paperwork burden for individuals, small businesses, and other persons.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

#### Background

FCIC has published over 40 policies to cover insurance on that many different crops. Many of the regulations and policies contain identical language, which, if changed requires that over 40 different policies be changed, both in the Code of Federal Regulations (CFR) and the printed policy language. This repetition of effort is both inefficient and expensive. FCIC, therefore, has published in 7 CFR Part 401, one set of regulations and one master policy to contain that language which is identical in most of the policies and regulations.

As revisions on individual policies are necessary, FCIC proposes to publish a "crop endorsement" which will contain the language of the policy unique to that crop, and any exceptions to the master policy language necessary for that crop. When an endorsement is published as a section to Part 401, effective for a subsequent crop year, the present policy contained in a separate part of Chapter IV will be terminated at the end of the crop year then in effect.

In order to clearly establish that 7 CFR Part 423 will be effective only through the end of the 1987 crop year, FCIC herein amends the subpart heading of these regulations to specify that such will be the case.

On Tuesday, September 1, 1987, FCIC published a notice of proposed rulemaking in the Federal Register at 52 FR 32931 to amend 7 CFR Part 423 as set forth above. The public was given 30 days in which to submit written comments, data, and opinions on the proposed rule, but none were received. Therefore, FCIC adopts as final the proposed rule published at 52 FR 32931

amending the subpart heading to provide that 7 CFR Part 423 will be effective for the 1986 and 1987 crop years only.

#### List of Subjects in 7 CFR Part 423

Crop insurance, Flax.

#### Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Subpart heading to the Flax Crop Insurance Regulations (7 CFR Part 423), as follows:

#### PART 423—[AMENDED]

1. The authority citation for 7 CFR Part 423 continues to read as follows:

Authority: Secs. 506, 516, Pub. L. 75-430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

2. The Subpart heading in 7 CFR Part 423 is revised to read as follows:

#### Subpart—Regulations for the 1986 and 1987 Crop Years

Done in Washington, DC on November 24, 1987.

E. Ray Fosse,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 87-27661 Filed 12-1-87; 8:45 am]

BILLING CODE 3410-08-M

#### Farmers Home Administration

#### 7 CFR Part 1900

#### Farmers Home Administration Appeal Procedure

**AGENCY:** Farmers Home Administration, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Farmers Home Administration (FmHA) administratively amends its appeal procedure to designate the Director of Appeals as hearing officer for appeals, replacing Deputy Administrator for Program Operations, and to make minor editorial changes. This change is made to separate appeal decisions from the program areas making the initial decisions as requested by members of Congress and the public.

**EFFECTIVE DATE:** December 2, 1987.

**FOR FURTHER INFORMATION CONTACT:** Arlene Halfon, Multiple Family Housing Servicing and Property Management Division, Room 5329, Farmers Home Administration, USDA, South Agriculture Building, 14th and Independence Avenue SW..

Washington, DC 20250. Telephone (202) 447-3187.

#### SUPPLEMENTARY INFORMATION:

##### Classification

This action has been reviewed under USDA procedures established in Departmental Regulation 1512-1, which implements Executive Order 12291, and has been determined to be exempt from these requirements as it involves only internal agency management.

It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rule-making since they involve Agency procedure, and publication for comment is unnecessary.

##### Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G "Environmental Program". It is the determination of FmHA that this action, consisting only of changes in functions of Agency personnel does not constitute a major Federal action significantly affecting the quality of human environment, and, in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

##### Intergovernmental Consultation

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultations with State and local officials.

##### Programs Affected

These changes affect the following FmHA Programs as listed in the catalog of Federal Domestic Assistance:

- 10.404 Emergency Loans
- 10.405 Farm Labor Housing Loans and Grants
- 10.406 Farm Operating Loans
- 10.407 Farm Ownership Loans
- 10.410 Low Income Housing Loans
- 10.411 Rural Housing Site Loans
- 10.414 Resource Housing Site Loans and Development Loans
- 10.415 Rural Rental Housing Loans
- 10.416 Soil and Water Loans
- 10.417 Very Low-income Housing Repair Loans and Grants
- 10.418 Water and Waste Disposal Systems for Rural Communities
- 10.419 Watershed Protection and Flood Prevention Loans
- 10.421 Indian Tribes and Tribal Corporation Loans

- 10.423 Community Facilities Loans
- 10.427 Rural Rental Assistance Payments
- 10.428 Economic Emergency Loans,
- 10.434 Housing Preservation Grants

#### List of Subjects in 7 CFR Part 1900

Appeals, Credit, Loan programs—housing and community development.

Accordingly, Chapter XVIII, Part 1900, Title 7, Code of Federal Regulations is amended as follows:

#### PART 1900—GENERAL

1. The authority citation for Part 1900 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

#### Subpart B—Farmers Home Administration Appeal Procedure

2. In § 1900.57, paragraph (i) is revised to read as follows:

##### § 1900.57 The hearing.

(i) If the initial decision is upheld or modified but not reversed, the hearing officer will send a copy of the notes and inform the appellant by letter of the decision giving specific reasons, with a copy to the decision making official and any other official servicing the account. The State Director or Acting State Director must sign the letter on County Committee decision reversals, regardless of who conducts the hearing for the State Director. When the hearing officer is the Administrator, Associate Administrator or Director of Appeals, the letter will state "this review concludes the administrative appeal of your case. However, if you feel there are significant errors in the hearing notes, you may notify the Hearing Officer within 15 calendar days of the date of this letter. Upon consideration of your comments on the hearing notes, the Hearing Officer will notify you within 10 calendar days as to whether there will be a change in the decision." When the hearing officer is someone other than the Administrator, Associate Administrator, or Director of Appeals, the letter must contain the following statements:

If you wish to have the above decision further reviewed, you may appeal in writing to [review officer/town (do not provide mailing address)] within 30 calendar days from the date of this letter explaining why you believe the decision is incorrect. Your request for a review should be submitted to the review officer at the following address:

[<sup>1</sup> Insert address of office where case file will be located after the decision letter is remitted.]

Since this review will be based upon the record, including papers filed, FmHA files, notes or transcripts of the appeal meeting, my decision, applicable statutes and regulations, and any additional written information you wish to submit, you should include any additional information you think is important, including any changes you believe should be made on the attached hearing notes.

The Federal Equal Credit Opportunity Act prohibits creditors from

discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, handicap, or age (provided that the applicant has the capacity to enter into a binding contract), because all or part of the applicant's income derives from any public assistance program, or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with the law concerning this creditor is

the Federal Trade Commission, Equal Credit Opportunity, Washington, DC 20580.

3. Exhibit D to Subpart B is revised to read as follows:

#### Exhibit B—Hearing/Review Officer Designations

Note.—A Hearing Officer must in all cases be an individual who was not significantly involved in the decision being appealed.

Decision maker or decision	Hearing officer	Review officer
County supervisor for single family housing cases.....	District director or person selected by the State director.	State director or designee.
For Farmer Program (FP) cases and FP intent to foreclose real property or chattels.	District director from another district or a person of equal or greater rank selected by the State director.	State director or designee.
County committee.....	State director or designee.....	Director of Appeals, or designee.
District director.....	State director or designee.....	Director of Appeals or designee.
State director.....	Director of Appeals or designee.....	(No review).
Division director or assistant administrator.....	Director of Appeals or designee.....	(No review).
Deputy or associate administrator.....	Administrator or designee.....	(No review).
Decision to foreclose real estate:		
(For single-family housing accounts).....	State director or designee <sup>1</sup> .....	Director of Appeals or designee.
(For accounts serviced in the district office).....	Director of Appeals, or designee.....	(No review).

<sup>1</sup> The individual designated as Hearing Officer may not be an employee who is supervised by the person who approved the foreclosure and accelerated the account, nor can the designee have been involved in the decision to foreclose.

#### NOTES

1. District Director also means Assistant District Director or District Loan Specialist.  
2. County Supervisor also means Assistant County Supervisor with loan approval authority.

3. Designee is the person designated by the Hearing/Review Officer to conduct a hearing or review. The designee signs the decision letter to the appellant without the concurrence of the original Hearing/Review Officer except:

a. For hearings on County Committee decisions. For these hearings the State Director or Acting State Director may designate other persons to act on his or her behalf in conducting the hearing; however, the State Director or Acting State Director must sign the hearing decision letter.

b. When the Hearing/Review Officer is designated by the Director of Appeals, the complete case file, hearing notes, tape recordings, and a recommended decision will be sent to the Director of Appeals for review and a final decision. The Director of Appeals may for individual cases delegate final decision authority to a designee.

4. When a hearing involves both the action on Form FmHA 1924-25 and acceleration on a non-farmer program loan, the appeal process will follow that for the decision maker to foreclose the non-farmer program loan account.

5. For decisions not directly covered above, advice should be sought from the Director of Appeals.

6. For decisions that reverse, modify, or otherwise require additional work by the state or county staff which are signed by the Director of Appeals or designee, copies of

such decisions will be provided promptly to the Deputy Administrator for Program Operations, the appropriate Assistant Administrator, and the State Director (attention: appropriate program chief). In addition to a copy of the decision itself, the State Office will also be provided with directions of what corrective action(s) will have to be taken.

Dated: November 5, 1987.

Vance L. Clark,  
Administrator, Farmers Home  
Administration.

[FR Doc. 87-27636 Filed 12-1-87; 8:45 am]

BILLING CODE 3410-07-M

#### 7 CFR Part 1944

#### Section 502 Rural Housing Loan Policies, Procedures and Authorizations

AGENCY: Farmers Home Administration, USDA.

ACTION: Interim rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulation regarding Section 502 Rural Housing (RH) loans. This action is taken to comply with language in the 1987 Appropriations Act which precludes implementation of § 1944.16(e)(1) of Subpart A of Part 1944. The intended effect of this action is to comply with The Supplemental Appropriations Act signed by the President on July 11, 1987.

DATES: Effective December 2, 1987. Comments must be submitted on or before February 1, 1988.

ADDRESSES: Send comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6348-S, 14th and Independence Avenue SW., Washington, DC 20250. All written comments will be available for public inspection during normal working hours at the above address.

#### FOR FURTHER INFORMATION CONTACT:

Nancy Monesson, Senior Loan Specialist, Single Family Housing, Processing Division, Farmers Home Administration, USDA, Room 5344, South Agriculture Building, 14th and Independence Avenue SW., Washington, DC 20250, Telephone: (202) 382-1474.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512-1 which implements Executive Order 12291. It is the policy of this Department to publish for comment rules relating to public property, loans, grants, benefits, or contracts, notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, is published as an interim rule effective immediately since it involves an emergency situation. The

1987 Supplemental Appropriations Act contains language which precludes use of funds to implement § 1944.16(e)(1) of Part 1944, Subpart A, thereby permitting financing of both a garage and a basement in those regions of The Country where it is customary and where, because of severe weather conditions, a house without both a basement and a garage would impose a hardship. There are no alternatives available to FmHA. FmHA is implementing this rule immediately with a 60 day comment period. Therefore, Subpart A of Part 1944 is amended to eliminate § 1944.16(e)(1).

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10410. For the reasons set forth in the Final Rule related Notice to 7 CFR Part 3015, Subpart V, 48 FR 29115, June 24, 1983, this program/activity is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, "Environmental Program". It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

#### List of Subjects in 7 CFR Part 1944

Home improvement, loan programs—housing and community development, Low and moderate-income housing—rental, Mobile homes, Mortgages, Rural housing, Subsidies.

Therefore, Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

#### PART 1944—HOUSING

1. The authority citation for Part 1944 continues to read as follows:

Authority: 42 U.S.C. 1480; 7 CFR 2.23; 7 CFR 2.70.

#### Subpart A—Section 502 Rural Housing Loan Policies, Procedures, and Authorizations

##### § 1944.16 [Amended]

Section 1944.16, is amended by removing paragraphs (e)(1) and by redesignating paragraphs (e)(2) through (e)(8) as paragraphs (e)(1) through (e)(7).

Dated: November 6, 1987.

Vance L. Clark,

Administrator, Farmers Home Administration.

[FR Doc. 87-27635 Filed 12-1-87; 8:45 am]

BILLING CODE 3410-07-M

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

##### 14 CFR Part 39

[Docket No. 87-NM-102-AD; Amdt. 39-5789]

##### Airworthiness Directives; British Aerospace Model H.S. 748 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to all Model H.S. 748 airplanes, which requires inspections of the engine subframe/wing attachment assembly, and repair, if necessary. This amendment is prompted by service experience which has shown that abnormal movement and wear of the engine subframe/wing attachment assembly can lead to the failure of the split-bush and/or taper bolt. This condition, if not corrected, could lead to severe stress and damage to the engine support structure.

**EFFECTIVE DATE:** January 19, 1988.

**ADDRESS:** The applicable service information may be obtained from British Aerospace, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

**FOR FURTHER INFORMATION CONTACT:** Ms. Judy Golder, Standardization Branch, Seattle Aircraft Certification Office, ANM-113; telephone (206) 431-1967. Mailing address: FAA, Northwest Mountain Range, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

**SUPPLEMENTARY INFORMATION:** A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to all British Aerospace H.S. 748 series airplanes, requiring inspections of the engine subframe wing attachment assembly, and repair, if necessary, was published in

the Federal Register on September 10, 1987 (52 FR 34228).

Interested parties have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the proposal.

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 3 airplanes of U.S. registry will be affected by this AD, that it will take approximately 23 manhours per airplane to accomplish the required actions, and that the average labor cost will be \$40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be \$2,760.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be a major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities, because of the minimal cost of compliance per airplane (\$920). A final evaluation has been prepared for this regulation and has been placed in the docket.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

#### PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

##### § 39.13 [Amended]

2. By adding the following new airworthiness directive:

**British Aerospace:** Applies to all Model H.S. 748 airplanes, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent severe stress and damage to the engine support structure, accomplish the following:

A. Within the next 6 months after the effective date of this AD, or prior to accumulating 6,000 landings, whichever is later, and thereafter at intervals not to

exceed 2,000 landings, perform a visual inspection of the engine subframe/wing attachment assemblies in accordance with the paragraph 2A of British Aerospace Service Bulletin 54-29, dated October 1986. Any assembly found to exhibit excessive movement or wear must be repaired, prior to further flight, in a manner approved by the FAA.

B. No later than the next scheduled engine removal after the effective date of this AD or prior to accumulating 6,000 landings, whichever is later, and thereafter at intervals not to exceed 6,000 landings, perform a visual inspection of the engine subframe/wing attachment assemblies while trying to induce movement in accordance with paragraph 2C of British Aerospace Service Bulletin 54-29, dated October 1986. Any components found to be unserviceable must be repaired, prior to further flight, in a manner approved by the FAA.

C. Prior to the next scheduled engine removal after the effective date of this AD, or prior to accumulating 12,000 landings, whichever is later, and thereafter at intervals not to exceed 12,000 landings, perform an inspection with the taper bolt and taper split-bush removed from the engine subframe/wing attachment assemblies in accordance with paragraph 2D of British Aerospace Service Bulletin 54-29, dated October 1986. Any components found to be unserviceable must be repaired, prior to further flight, in a manner approved by the FAA.

D. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this proposal who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective January 19, 1988.

Issued in Seattle, Washington, on November 20, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-27677 Filed 12-1-87; 8:45 am]

BILLING CODE 4910-13-M

## 14 CFR Part 39

[Docket No. 87-NM-110-AD; Amdt. 39-5788]

### Airworthiness Directives; British Aerospace Model H.S. 748 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to all British Aerospace H.S. 748 series airplanes, which requires inspection of the jet pipe retention assemblies, and repair, if necessary. This amendment is prompted by numerous reports of jet pipe retention and fuel drain plates which were incorrectly fitted, nonconforming to original dimensions, or missing completely. These conditions, if not corrected, could lead to inflight loss of the jet pipe or restricted fuel drainage, with resultant fire or heat damage to the nacelle and wing.

**EFFECTIVE DATE:** January 19, 1988.

**ADDRESSES:** The applicable service information may be obtained from British Aerospace, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

**FOR FURTHER INFORMATION CONTACT:** Ms. Judy Golder, Standardization Branch, Seattle Aircraft Certification Office, ANM-113; telephone (206) 431-1967. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

**SUPPLEMENTARY INFORMATION:** A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to all British Aerospace H.S. 748 series airplanes, requiring inspections of the jet pipe retention assemblies, and repair, if necessary, was published in the *Federal Register* on September 10, 1987 (52 FR 34225).

Interested parties have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the proposal.

After careful review of the available data the FAA has determined that air safety and the public interest require adoption of the rule as proposed.

It is estimated that 3 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 manhours per airplane to accomplish the required actions, and that the average labor cost will be \$40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be \$240.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities, because of the minimal cost of compliance per airplane (\$80). A final evaluation has been prepared for this regulation and has been placed in the docket.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

#### PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

#### § 39.13 [Amended]

2. By adding the following new airworthiness directive:

**British Aerospace:** Applies to all Model H.S. 748 series airplanes as listed in BAe Service Bulletin 78/9, Revision 1, dated September 1985, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent inflight loss of the jet pipe or restricted fuel drainage through the jet pipe retention assemblies, with resultant fire or heat damage to the nacelle and wing, accomplish the following:

A. Within the next 60 days after the effective date of this AD, perform an inspection to ensure correct installation of the three retaining plate assemblies, which secure the jet pipe inside the jet pipe manifold, in accordance with British Aerospace Service Bulletin 78/9, Revision 1, dated September 1985. Any discrepancies found must be corrected prior to further flight.

B. Repeat the inspection required by paragraph A. above, any time the jet pipe is replaced.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this proposal who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective January 19, 1988.

Issued in Seattle, Washington, on November 20, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-27676 Filed 12-1-87; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 39

[Docket No. 87-NM-97-AD; Amdt. 39-5791]

#### Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, which requires modification of the plastic inner window on the passenger door mid liner panel. This amendment is prompted by a report of a loose inner window (dust cover) which interfered with the movement of the upper liner and prevented the door from opening fully. This condition, if not corrected, could cause the door to jam during an emergency, thus delaying and possibly jeopardizing successful emergency evacuation of an airplane.

**EFFECTIVE DATE:** January 19, 1988.

**ADDRESSES:** The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124-2207. The information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle

Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Roger S. Young, Airframe Branch, ANM-120S; telephone (206) 431-1929. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

**SUPPLEMENTARY INFORMATION:** A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which requires inspection and modification of the plastic inner window on the door mid liner panel on Boeing Model 767 series airplanes, was published in the *Federal Register* on August 9, 1987 (52 FR 29389).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter requested that paragraph A. be revised to allow operators an additional two weeks for modification of the dust cover if the inspection reveals evidence of disbonding. The commenter suggested that the proposed requirement to modify prior to further flight was too severe. The FAA does not concur. Once the dust cover shows evidence of disbonding, there is the potential that it could jam the door, thus jeopardizing evacuation during an emergency. The FAA has determined that for purposes of safety, it is essential that the dust cover be modified before passengers are transported, that is, prior to further flight.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 77 airplanes of U.S. registry will be affected by this AD, that it will take approximately 16 manhours per airplane to accomplish the required actions, and that the average labor cost will be \$40 per manhour. The cost of materials is estimated at \$200 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$64,680.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number

of small entities, because few, if any, Model 767 series airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

#### PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

#### § 39.13 [Amended]

2. By adding the following new airworthiness directive:

**Boeing:** Applies to Model 767 series airplanes listed in Boeing Alert Service Bulletin 767-25A0092, dated June 18, 1987, certificated in any category. Compliance required as indicated, unless previously accomplished.

To ensure that the entry and service doors cannot become jammed due to a loose mid liner dust cover, accomplish the following:

A. Within the next 30 days after the effective date of this AD, and thereafter at intervals not to exceed 90 days, visually inspect the door mid liner for evidence of dust cover disbonding. Disbonding is identified by the dust cover moving away from edges of the reveal. If the dust cover shows evidence of disbonding, prior to further flight, modify the dust cover in accordance with Boeing Alert Service Bulletin 767-25A0092, dated June 18, 1987, or later FAA-approved revisions.

B. Modification of the dust cover in accordance with Boeing Service Bulletin 767-25A0092, dated June 18, 1987, or later FAA-approved revisions, constitutes terminating action for the repetitive inspection requirements of paragraph A., above.

C. Within the next 18 months after the effective date of this AD, modify all dust covers in accordance with Boeing Service Bulletin 767-25A0092, dated June 18, 1987, or later FAA-approved revisions.

D. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety and which has the concurrence of an FAA Principal Maintenance Inspector, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124-2207. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective January 19, 1988.

Issued in Seattle, Washington, on November 20, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-27675 Filed 12-1-87; 8:45 am]

BILLING CODE 4910-13-M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 14 CFR Part 1221

#### NASA Seal and Other Devices, and Congressional Space Medal of Honor

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Final rule.

**SUMMARY:** NASA is amending 14 CFR Part 1221 by revising Subpart 1221.1, "NASA Seal, Insignia, Logotype Insignia, Program and Astronaut Badges, and Flags, and the Agency's Unified Visual Communications System." The revision updates the family of emblematic devices and sets forth with increased clarity NASA policy about the commercial use of the NASA Logotype Insignia and the procedure for such use. Specifically, it prohibits the manufacture and commercial sale of the NASA Logotype Insignia as a separate and distinct identification device when NASA would have no control over its design or application. This revision also establishes and sets forth the concept and scope of the NASA Unified Visual Communications System and prescribes the policy and guidelines for implementation of the system.

**EFFECTIVE DATE:** December 2, 1987.

**ADDRESS:** Public Services Division, National Aeronautics and Space Administration, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Robert Schulman, (202) 453-8315.

**SUPPLEMENTARY INFORMATION:** Since this revision involves administrative and editorial management decisions and procedures, no public comment period is required.

The National Aeronautics and Space Administration has determined that

1. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, since it will not exert a significant economic impact on a substantial number of small entities.

2. This rule is not a major rule as defined in Executive Order 12291.

#### List of Subjects in 14 CFR Part 1221

Decorations, Medals, Awards, Flags, Seals, Insignia, Unified Visual Communications System.

1. For reasons set out in the Preamble, 14 CFR Part 1221 is amended by revising Subpart 1221.1 to read as follows:

#### PART 1221—THE NASA SEAL AND OTHER DEVICES, AND THE CONGRESSIONAL SPACE MEDAL OF HONOR

##### Subpart 1221.1—NASA Seal, Insignia, Logotype Insignia, Program and Astronaut Badges, and Flags, and the Agency's Unified Visual Communications System.

Sec.

1221.100 Scope.

1221.101 Policy.

1221.102 Establishment of the NASA Seal.

1221.103 Establishment of the NASA Insignia.

1221.104 Establishment of the NASA Logotype Insignia.

1221.105 Establishment of the NASA Program Badges.

1221.106 Establishment of the NASA Space Transportation System Program Badge and Add-on Bar.

1221.107 Establishment of the NASA Flag.

1221.108 Establishment of the NASA Administrator's, Deputy Administrator's, and Associate Deputy Administrators' Flags.

1221.109 Establishment of the NASA Astronaut Badges.

1221.110 Establishment of the NASA Unified Visual Communications System.

1221.111 Use of the NASA Seal.

1221.112 Use of the NASA Logotype.

1221.113 Use of the NASA Program and Astronaut Badges.

1221.114 Use of the NASA Space Transportation System Program Badge and Add-on Bar.

1221.115 Use of the NASA Flags.

1221.116 Approval of new or change proposals.

1221.117 Violations.

1221.118 Compliance and enforcement.

Authority: 42 U.S.C. 2472(a) and 2473(c)(1).

#### Subpart 1221.1—NASA Seal, Insignia, Logotype Insignia, Program and Astronaut Badges, and Flags, and the Agency's Unified Visual Communications System

##### § 1221.100 Scope.

This subpart sets forth the policy governing the use of the NASA Seal, the NASA Insignia, the NASA Logotype Insignia, NASA Program and Astronaut Badges, and the NASA Flags. This subpart also establishes and sets forth the concept and scope of the NASA Unified Visual Communications System and prescribes the policy and guidelines for implementation of the system.

##### § 1221.101 Policy.

(a) The NASA Seal, the NASA Insignia, the NASA Logotype Insignia, NASA Program and Astronaut Badges, and the NASA Flags and the Agency's Unified Visual Communications System, as prescribed in § 1221.102 through § 1221.110 of this subpart shall be used exclusively to represent NASA, its programs, projects, functions, activities, or elements. The use of any devices other than those provided by or subsequently approved in accordance with the provisions of this subpart is prohibited.

(b) The use of the devices prescribed herein shall be governed by the provisions of this subpart. The use of the devices prescribed herein for any purpose other than as authorized by this subpart is prohibited. Their misuse shall be subject to the penalties authorized by statute, as set forth in § 1221.117 and shall be reported as provided in § 1221.118.

(c) Any proposal for a new NASA Insignia, NASA Logotype Insignia, NASA Program Badge and Astronaut Badge, or for modification to those prescribed herein shall be processed in accordance with § 1221.116.

##### § 1221.102 Establishment of the NASA Seal.

The NASA Seal was established by Executive Order 10849 (24 FR 9559), November 27, 1959, as amended by Executive Order 10942 (24 FR 4419), May 22, 1961. The NASA Seal, established by the President, is the Seal of the agency and symbolizes the achievements and goals of NASA and the United States in aeronautical and space activities. The NASA Seal shall be used as set forth in § 1221.111.

BILLING CODE 7510-01-M

FIGURE A



The NASA Seal

Technical Description:

The official seal of the National Aeronautics and Space Administration is a disc of blue sky strewn with white stars, dexter a large yellow sphere bearing a red flight symbol apex in upper sinister and wings enveloping and casting a brown shadow upon the sphere, all partially encircled with white horizontal orbit, in sinister a small light blue sphere; circumscribing the disc a white band edged gold inscribed "National Aeronautics and Space Administration U.S.A." in red letters.

§ 1221.103 Establishment of the NASA  
Insignia.

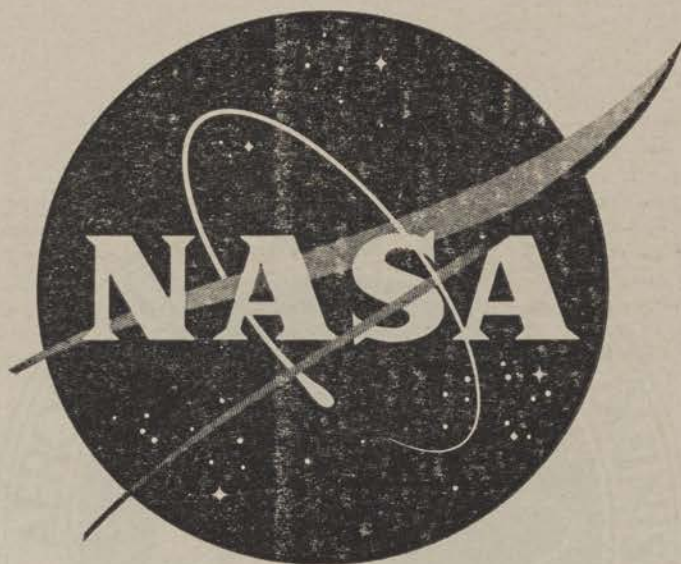
The NASA Insignia was designed by the Army Institute of Heraldry, and approved by the Commission of Fine Arts and the NASA Administrator.

It symbolizes NASA's role in aeronautics and space in the early years of the agency and has been retired. It is used only in an authentic historical context, and only with prior written approval of the NASA Administrator.

BILLING CODE 7510-01-M



FIGURE B



The NASA Insignia

REPRODUCTION:

Black-on-white  
or single color:

As shown

Two-color:

Dark blue sky background; solid wing  
configuration; white inner elliptical flight  
path, stars, and letters NASA.

SIZE:

The Insignia may be reproduced or used in various sizes. Size to be determined on basis of (a) desired effect for visual identification or publicity purposes, (b) relative size of the object on which insignia is to appear, and (c) consideration of any design, layout, reproduction, or other problems involved.

RESTRICTION:

The NASA Insignia will not be used for any purpose without the written approval of the Administrator.

**§ 1221.104 Establishment of the NASA Logotype Insignia.**

The NASA Logotype Insignia, to be referred to as the NASA Logotype, was established by the NASA Administrator as the signature and design element for all visual communications formerly reserved for the NASA Insignia. The NASA Logotype was developed under the Federal Design Improvement Program initiated by the President in 1972 and approved by the Commission of Fine Arts in October 1975. The NASA Logotype shall be used as set forth in § 1221.112, the NASA Graphics Standards Manual, and any related NASA directive or specification approved by the NASA Administrator and published subsequent hereto.

BILLING CODE 7510-01-M

FIGURE C



### The NASA Logotype Insignia

This logotype is the central element in NASA's visual communications system. Through consistent and repetitive use as a signature device and design element in all of NASA's visual communications, the logotype becomes a visual shorthand which identifies the agency and symbolically embodies its activities, achievement and goals.

In the logotype, the letters N-A-S-A are reduced to their most simplified form. The strokes are all of one width, evoking the qualities of unity and technical precision. Elimination of cross-strokes in the two "A" letters imparts a vertical thrust to the logotype and lends it a quality of uniqueness and contemporary character.

### Technical Description:

The NASA Logotype design is solid stroke letterforms, shown freestanding horizontally against a solid neutral background.

The Logotype sizes are based on (a) desired effect, (b) relative size of object on which applied, and (c) considerations of any design layout and reproduction. See NASA Graphics Standards Manual.

It is reproduced only photographically except that, for larger applications, the Logotype is reproduced using the grid shown in the Manual. Otherwise, the Logotype is never reproduced mechanically or by hand.

The preferred color of the NASA Logotype is NASA red (PMS 179), used only when a second color is available and appropriate. Against a white background, the Logotype may be shown in NASA red, black, or NASA warm gray. For background of other values, the Manual is to be consulted and followed.

**§ 1221.105 Establishment of the NASA Program Badges.**

A separate and unique badge may be designed and approved in connection with or in commemoration of a major NASA program. Each approved badge shall be officially identified by its title such as "Apollo," "Skylab," "Viking," "Space Transportation System (Space Shuttle)," or a major NASA anniversary. NASA Program Badges shall be used as set forth in § 1221.113 pursuant to approval as set forth in § 1221.116.

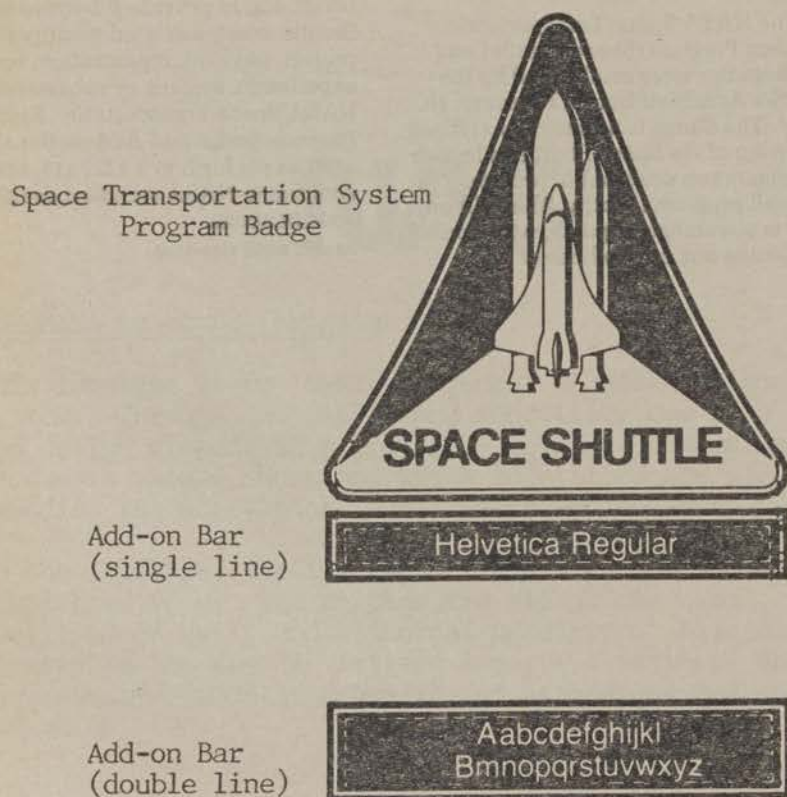
**§ 1221.106 Establishment of the NASA Space Transportation System Program Badge and Add-on Bar.**

The NASA Space Transportation System Program (Space Shuttle) and Add-on Bar were established by the NASA Administrator on February, 18, 1977. The Badge is a triangular stylized drawing of the Space Shuttle in launch configuration designed to provide overall program identity. The Add-on Bar is a rectangular patch, with border, enclosing one or two lines of text

positioned at the base of the badge. The Add-on Bar is designed to augment the badge and to provide subordinate Space Shuttle mission-related identity such as project, payload, organization, text, experiment, system, or subsystem. The NASA Space Transportation System Program Badge and Add-on Bar shall be used as set forth in § 1221.114, and shall conform to NASA standard design specifications.

BILLING CODE 7510-01-M

FIGURE D

DESCRIPTION:Space Transportation System  
Program Badge

The official identification device for the Space Transportation System Program is a triangular badge, pointed upward, with a stylized drawing of the Space Shuttle in launch configuration; white and gray shadow edge; symmetrically enclosed against two shades of blue background; gold and white edged; inscribed horizontally at the base "SPACE SHUTTLE" in white letters.

## Add-on Bar

The official Add-on Bar augments the NASA Space Transportation System Program Badge to provide mission-related identity. Add-on Bars are rectangular; gold and white edged with one or two lines of text on a red band. Add-on Bars are positioned horizontally at the base of the badge.

DESIGN SPECIFICATIONS:

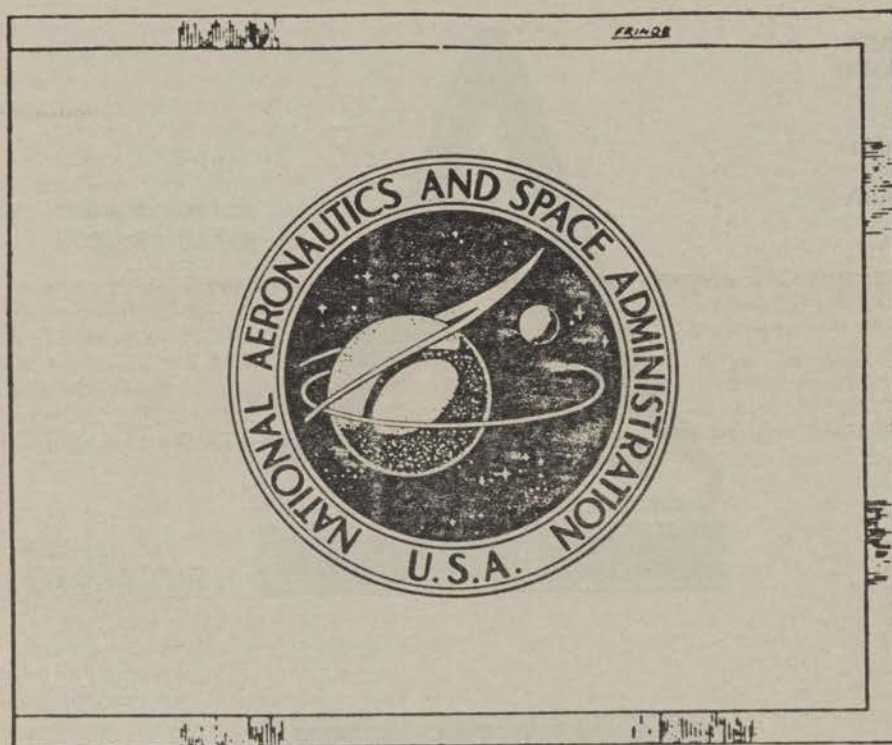
Dimension and color specifications for the Badge and Add-on Bar are available from NASA installation graphics coordinators.

§ 1221.107 Establishment of the NASA Flag.

The NASA Flags for interior and exterior use were created by the NASA Administrator in January 1960. Complete design, size, and color of the NASA interior and exterior flags for manufacturing purposes are detailed in U.S. Army QMG Drawing 5-1-269; revision September 14, 1960. The NASA Flags shall be used as set forth in § 1221.115.

BILLING CODE 7510-01-M

FIGURE E



The NASA Flag

REFERENCE:

U.S. Army QMG Drawing 5-1-269; Revision 14 September 1960, Note: Recommend use of Military Specification (MIL F-2692D dated 14 March 1969, as amended) in conjunction with referenced drawing as a guideline for procurement purposes.

Technical Description of Interior Flag:

The color of the National Aeronautics and Space Administration flag will be of blue bernberg taffeta-weave rayon, four (4) feet, four (4) inches on the hoist by five (5) feet, six (6) inches fly. In the center of the color will be the Official Seal of the National Aeronautics and Space Administration thirty inches in diameter. The devices and stars of the Seal will be embroidered by the Bonnaz Process. The color will be trimmed on three edges with a knotted fringe of rayon two and one half ( $2\frac{1}{2}$ ) inches wide. Cord and tassels will be of yellow rayon strands. See drawing referenced above for complete details.

Technical Description of Exterior Flag:

NASA flags for external use may be procured in two sizes: 5' x 9'-6" (without fringe) or 10' x 19' (without fringe). Detailed design, colors and size specifications are as set forth in the drawing referenced above.

**§ 1221.108 Establishment of the NASA Administrator's, Deputy Administrator's, and Associate Deputy Administrators' Flags.**

(a) Concurrently with the establishment of the NASA Flag in January 1960, the NASA Administrator also established NASA Flags to represent the NASA Administrator, Deputy Administrator and Associate Deputy Administrators. Each of these flags conforms to the basic design of the NASA Flag except that:

- (1) The size of the flag is 3 feet  $\times$  4 feet;
  - (2) The Administrator's Flag has four stars;
  - (3) The Deputy Administrator's Flag has three stars; and
  - (4) The Associate Deputy Administrators' Flags have two stars.
- (b) Flags representing these senior officials shall be used as set forth in § 1221.115.

**§ 1221.109 Establishment of the NASA Astronaut Badges.**

The NASA Astronaut Badge, commonly referred to as the "crew patch," is a separate and unique badge designed in connection with or in commemoration of a manned space flight mission for the particular astronauts involved. Each approved badge shall be identified by its title, such as "Apollo 17 Badge." Collectively, these badges will comprise the NASA Astronaut Badges. The NASA Astronaut Badges shall be used as set forth in § 1221.113 pursuant to approval as set forth in § 1221.116.

**§ 1221.110 Establishment of the NASA Unified Visual Communications System.**

(a) The NASA Administrator directed the establishment of a NASA Unified Visual Communications System. This system was developed under the Federal Design Improvement Program initiated by the President in May 1972. This system is the agencywide program by which NASA projects a contemporary, business-like, progressive, and forward-looking image through the use of effective design for improved communications. The system provides a professional and cohesive NASA identity by imparting continuity of graphics design in all layout, reproduction art, stationery, forms, publications, signs, films, vehicles, aircraft and spacecraft markings, and other items. It creates a unified image which is representative and symbolic of NASA's progressive attitudes and programs.

(b) The Director, Public Services Division, is responsible for the development and implementation of the

NASA Unified Visual Communications System. With the development of the NASA Unified Visual Communications System, the Public Services Division, NASA Headquarters, created the NASA Graphics Standards Manual which is the official guide for the use and application of the NASA Logotype and the NASA Unified Visual Communications System.

(c) The Director, Public Services Division, NASA Headquarters, has designated a NASA Graphics Coordinator to implement and monitor agencywide design improvements in consonance with the NASA Graphics Standards Manual and the NASA Unified Visual Communications System. The NASA Graphics Coordinator will develop and issue changes and additions to the manual as required and as new design standards and specifications are developed and approved. Copies of the NASA Graphics Standards Manual may be obtained directly from the NASA Graphics Coordinator, NASA Headquarters.

(d) The Director of each Field Installation has designated an official to serve as Graphics Coordinator for his/her installation. The Assistant Associate Administrator for Headquarters Administration has designated an official to serve as Headquarters Graphics Coordinator. Any changes in these assignments shall be reported to the NASA Graphics Coordinator, NASA Headquarters.

(e) Graphics Coordinators are responsible for ensuring compliance with the NASA Graphics Standards Manual and the NASA Unified Visual Communications System for their respective installations.

**§ 1221.111 Use of the NASA Seal.**

(a) The Executive Officer shall be responsible for custody of the NASA Impression Seal and custody of NASA replica (plaques) seals. The NASA Seal is restricted to the following:

- (1) NASA award certificates and medals.
- (2) NASA awards for career service.
- (3) Security credentials and employee identification cards.
- (4) NASA Administrator's documents; the seal may be used on documents such as interagency or intergovernmental agreements and special reports to the President and Congress, and on other documents, at the discretion of the NASA Administrator.
- (5) Plaques; the design of the NASA Seal may be incorporated in plaques for display in agency auditoriums, presentation rooms, lobbies, offices of senior officials, and on the fronts of buildings occupied by NASA.

(6) The NASA Flag, and the NASA Administrator's and Deputy Administrator's and Associate Deputy Administrators' Flags, which incorporate the design of the Seal.

(7) NASA prestige publications which represent the achievements or missions of NASA as a whole.

(8) Publications (or documents) involving participation by another government agency for which the other government agency has authorized the use of its seal.

(b) Use of the NASA Seal for any purpose other than as prescribed herein is prohibited, except that the Executive Officer may authorize, on a case-by-case basis, the use of the NASA Seal for purposes other than those prescribed when the Executive Officer deems such use to be appropriate.

**§ 1221.112 Use of the NASA Logotype.**

The NASA Logotype is authorized for use on the following:

- (a) *NASA articles.* (1) NASA letterhead stationery.
- (2) Films produced by or for NASA.
- (3) Wearing apparel and personal property items used by NASA employees in performance of their duties.
- (4) Required uniforms of contractor employees when performing public affairs, guard or fire protection duties and similar duties within NASA installations or at other assigned NASA duty stations, and on any required contractor-owned vehicles used exclusively in the performance of these duties, when authorized by NASA contracting officers.
- (5) Spacecraft, aircraft, automobiles, trucks, and similar vehicles owned by, leased to, or contractor-furnished to NASA, or produced for NASA by contractors, but excluding NASA-owned vehicles used and operated by contractors for conduct of contractor business.
- (6) Equipment and facilities owned by, leased to, or contractor-furnished to NASA, such as machinery, major tools, ground-handling equipment, office and shop furnishings (if appropriate), and similar items of a permanent nature, including those produced for NASA by contractors.

(7) NASA pamphlets, brochures, manuals, handbooks, house organs, bulletins, general reports, posters, signs, charts, and items of similar nature for general use, other than those covered in § 1221.111(a) (7) and (8).

(8) Briefcases or dispatch cases issued by NASA.

(9) Certificates (NASA Form 699A and 699B) covering authority to NASA and

contractor security personnel to carry firearms.

(10) NASA occupied buildings when the use of the NASA Logotype is more appropriate than use of the NASA Seal.

(b) *Personal articles—NASA employees.* (1) Business calling cards of NASA employees may carry the imprint of the NASA Logotype.

(2) Limited usage on automobiles. If determined appropriate by the cognizant installation official, it is acceptable to place a NASA Logotype sticker on personal automobiles where such identification will facilitate entry or control of such vehicles at NASA installations or parking areas.

(3) Personal items used in connection with NASA employees' recreation association activities.

(4) Items for sale through NASA employees' nonappropriated fund activities subject to paragraph (c) of this section.

(5) NASA employees shall not use the NASA Logotype in any manner that would imply that NASA endorses a commercial product, service or activity or that material of a non-official nature represents NASA's official position.

(c) *Miscellaneous articles.* (1) The manufacture and commercial sale of the NASA Logotype as a separate and distinct device in the form of an emblem, patch, insignia, badge, decal, vinylcal, cloth, metal, or other material which would preclude NASA's control over its use or application is prohibited.

(2) Use of the NASA Uniform Patches, which incorporate the NASA Logotype, is authorized only as prescribed in the NASA Graphics Standards Manual, for NASA personnel and NASA contractor personnel identification.

(3) No approval for use of the NASA Logotype will be authorized when its use can be construed as an endorsement by NASA of a product or service.

(4) Items bearing the NASA Logotype such as souvenirs, novelties, toys, models, clothing, and similar items (including items for sale through the NASA employees' nonappropriated fund activities) may be manufactured and sold only after the NASA Logotype application has been submitted to, and approved by, the Director, Public Services Division, or designee, NASA Headquarters, Washington, DC 20546.

(d) Use of the NASA Logotype for any other purpose other than as prescribed herein is prohibited, except that the Director, Public Services Division, may authorize on a case-by-case basis the use of the NASA Logotype for other purposes when the Director, Public Services Division, deems such use to be appropriate.

#### **§ 1221.113 Use of the NASA Program and Astronaut Badges.**

(a) Official NASA Program and Astronaut Badges will be restricted to the uses set forth herein and to such other uses as the Director, Public Services Division, may specifically approve.

(b) Specific approval is given for the following uses:

(1) Use of exact reproductions of a badge in the form of a patch made of a gummed sticker, on articles of wearing apparel and personal property items; and

(2) Use of exact renderings of a badge on a coin, medal, plaque, or other commemorative souvenirs.

(c) The manufacture and sale or free distribution of badges for the uses approved, or that may be approved under paragraphs (a) and (b) of this section are authorized.

(d) Portrayal of an exact reproduction of a badge in conjunction with the advertising of any product or service will be approved on a case-by-case basis by the Director, Public Services Division.

(e) The manufacture, sale, or use of any colorable imitation of the design of an official NASA Program or Astronaut Badge will not be approved.

#### **§ 1221.114 Use of the NASA Space Transportation System Program Badge and Add-on Bar.**

(a) The NASA Space Transportation System Program Badge (Space Shuttle) shall be used in the manner prescribed for NASA Program and Astronaut Badges, § 1221.113. It shall be used exclusively to identify the overall program and represent, identify, and commemorate each Space Shuttle operational mission.

(b) The approved Add-on Bar(s) shall be used exclusively to provide subordinate mission-related identity for NASA projects and payloads including NASA joint projects. Use of Add-on Bars for non-NASA projects and payloads, including domestic and/or international joint projects, is encouraged.

(c) Add-on Bar proposals for both NASA and non-NASA projects and payloads shall be submitted to the Associate Administrator for Space Flight for review and approval and for compliance with NASA design specifications.

(d) Use of any device other than as prescribed herein is prohibited on NASA uniforms, publications, brochures, posters, charts, signs, and items of a similar nature, to identify the Space Transportation System Program and related missions.

(e) Use of unique payload Program Badges for non-NASA missions is permitted only when the payload has been bought solely by another country other than the United States and when that country has total responsibility for that payload, for example, in the case where Germany had bought a dedicated Spacelab mission and had total responsibility for the payload. Unique payload Program Badge proposals shall be submitted to the Director, International Relations Division, Director, Public Services Division, and the Associate Administrator for Space Flight, NASA Headquarters, for information and comment.

#### **§ 1221.115 Use of the NASA Flags.**

(a) The NASA Flag is authorized for use only as follows:

(1) On or in front of NASA installation buildings.

(2) At NASA ceremonies.

(3) At conferences (including display in NASA conference rooms).

(4) At governmental or public appearances of NASA executives.

(5) In private offices of senior officials.

(6) As otherwise authorized by the NASA Administrator or designee.

(7) The NASA Flag must be displayed with the United States Flag. When the United States Flag and the NASA Flag are displayed on a speaker's platform in an auditorium, the United States Flag must occupy the position of honor and be placed at the speaker's right as the speaker faces the audience, with the NASA Flag at the speaker's left.

(b) The NASA Administrator's, Deputy Administrator's, and Associate Deputy Administrators' Flags shall be displayed with the United States Flag in the respective offices of these officials but may be temporarily removed for use at the discretion of the officials concerned.

#### **§ 1221.116 Approval of new or change proposals.**

(a) Any proposal to change or modify the emblematic devices set forth herein or to introduce a new emblematic device other than as prescribed herein requires the written approval of the NASA Administrator with prior approval and recommendation of the Director, Public Services Division.

(b) In addition to the written approval of the NASA Administrator, any proposal for a new design or for a modification to the design of the NASA Insignia or NASA Logotype must also be submitted to the Commission of Fine Arts for its advice as to the merit of design. If approved in writing by the NASA Administrator and upon advice

received from the Commission of Fine Arts, the NASA Insignia and the use of such NASA Insignia or NASA Logotype must be prescribed in this Subpart and published in the Federal Register.

#### § 1221.117 Violations.

(a) NASA Seal. Any person who uses the NASA Seal in a manner other than as authorized in this Subpart shall be subject to the provisions of Title 18 U.S.C. 1017.

(b) NASA Insignia, NASA Logotype, and NASA Program and Astronaut Badges. Any person who uses the NASA Insignia, NASA Logotype, NASA Program Badges, or NASA Astronaut Badges in a manner other than as authorized in this Subpart shall be subject to the provisions of Title 18 U.S.C. 701.

#### § 1221.118 Compliance and enforcement.

In order to ensure adherence to the authorized uses of the NASA Seal, the NASA Insignia, the NASA Logotype, NASA Program and Astronaut Badges, and the NASA Flags as provided herein, a report of each suspected violation of this Subpart (including the uses of unauthorized NASA Insignias) or of questionable uses of the NASA Seal, the NASA Insignia, the NASA Logotype, NASA Program and Astronaut Badges, or the NASA Flags shall be submitted to the Inspector General, NASA Headquarters, in accordance with NASA Management Instruction 9950.1, "The NASA Investigations Program."

James C. Fletcher,  
Administrator.

November 24, 1987.

[FR Doc. 87-27606 Filed 12-1-87; 8:45 am]

BILLING CODE 7510-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 389

[Docket No. RM87-36-000; Order No. 481]

#### Interpretation of Comprehensive Plans Under Section 3 of the Electric Consumers Protection Act

November 25, 1987.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; Notice of OMB control number.

SUMMARY: On October 20, 1987, the Federal Energy Regulatory Commission issued a final rule (Order No. 481) in Docket No. RM87-36-000, 52 FR 39,905 (Oct. 26, 1987). This notice states that OMB has approved the information

collection requirements in Order No. 481.

EFFECTIVE DATE: November 25, 1987.

FOR FURTHER INFORMATION CONTACT: Thomas J. Lane, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357-8530.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act, 44 U.S.C. 3501-3520 (1982) and the Office of Management and Budget's (OMB) regulations, 5 CFR Part 1320 (1987), require that OMB approve certain information collection requirements imposed by agency rules. On November 24, 1987, the OMB approved the information collection requirements of 18 CFR 2.19 as added by this rule under Control Numbers 1902-0058 and 1902-0115. Therefore, the final rule in Docket No. RM87-36-000 is effective November 25, 1987.

Accordingly, Part 2, Chapter I, Title 18, Code of Federal Regulations is amended as set forth below.

Lois D. Cashell,  
Acting Secretary.

#### PART 389—OMB CONTROL NUMBERS FOR COMMISSION INFORMATION COLLECTION REQUIREMENTS

1. The authority citation for Part 389 continues to read as follows:

Authority: Paperwork Reduction Act of 1980, 44 U.S.C. 3501-3520 (1982).

##### § 389.10 [Amended]

2. The Table of OMB Control Numbers in § 389.10(b) is amended by inserting "2.19" in numerical order in the Section column and "0058, 0015" in the corresponding position in the OMB Control Number column.

[FR Doc. 87-27687 Filed 12-1-87; 8:45 am]

BILLING CODE 6717-01-M

## ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 123

[FRL-3295-6]

#### Approval of Maryland's NPDES Program To Regulate Federal Facilities

AGENCY: Environmental Protection Agency.

ACTION: Notice of approval of the State of Maryland's request for authority to administer the National Pollutant Discharge Elimination System (NPDES) program with respect to federal facilities.

SUMMARY: On November 10, 1987, the Environmental Protection Agency (EPA)

approved the State of Maryland's request to include regulation of federal facilities under its State water pollution permit program responsibility. Previously the State had been approved to administer the NPDES program for facilities other than federal facilities. This action was published as a public notice on June 22, 1987 (52 FR 23487).

FOR FURTHER INFORMATION CONTACT: Diana Esher, Water Management Division (3WM52), U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, Phone: (215) 597-9232.

SUPPLEMENTARY INFORMATION: In 1977, Congress amended section 313 of the Clean Water Act (33 U.S.C. 1251, *et seq.*) to authorize States to regulate federally owned or operated facilities under their water pollution control programs. Prior to the amendment, States, including those authorized pursuant to section 402(b) of the Clean Water Act to participate in the NPDES program, were precluded from regulating federal facilities. Therefore in approving State programs under section 402(b), EPA reserved the authority to issue NPDES permits to federal facilities.

With the passage of the 1977 amendments, EPA has been transferring NPDES authority over federal facilities to approved States. Today's Federal Register notice is to announce the approval of the State of Maryland's request to assume NPDES authority over federal facilities.

In support of its application to assume NPDES authority over federal facilities, the State of Maryland's Department of the Environment has submitted to EPA copies of the relevant statutes and regulations. The State has also submitted a statement by the Attorney General certifying, with appropriate citations to the statutes and regulations, that the State has adequate legal authority to regulate federal facilities consistent with the approved program administration for other facilities within the State. EPA has concluded, upon reviewing all of these submitted materials, that the State has adequate authority to apply its approved State NPDES program to federal facilities.

#### "Federal Register" Notice of Approval of State NPDES Programs or Modifications

EPA will provide Federal Register notice of any action by the Agency approving or modifying a State NPDES program. The following table will provide the public with an up-to-date list of the status of NPDES permitting authority throughout the country.

	Approved State NPDES permit program	Approved to regulate federal facilities	Approved State Pretreat- ment program
Alabama.....	10/19/79	10/19/79	10/19/79
Arkansas <sup>1</sup> .....	11/01/86	11/01/86	11/01/86
California.....	05/14/73	05/05/78	
Colorado <sup>1</sup> .....	03/27/75		
Connecticut.....	09/26/73		06/03/81
Delaware.....	04/01/74		
Georgia.....	06/28/74	12/08/80	03/12/81
Hawaii.....	11/28/74	06/01/79	08/12/83
Illinois <sup>1</sup> .....	10/23/77	09/20/79	
Indiana.....	01/01/75	12/09/78	
Iowa.....	08/10/78	08/10/78	06/03/81
Kansas.....	06/28/74	08/28/85	
Kentucky <sup>1</sup> .....	09/30/83	09/30/83	09/30/83
Maryland.....	09/05/74	11/10/87	09/30/85
Michigan.....	10/17/73	12/09/78	06/07/83
Minnesota.....	06/30/74	12/09/78	07/16/79
Mississippi.....	05/01/74	01/28/83	05/13/82
Missouri <sup>1</sup> .....	10/30/74	06/26/79	06/03/81
Montana <sup>1</sup> .....	06/10/74	06/23/81	
Nebraska.....	06/12/74	11/02/79	09/07/84
Nevada.....	09/19/75	08/31/78	
New Jersey <sup>1</sup> .....	04/13/82	04/13/82	04/13/82
New York.....	10/28/75	06/13/80	
North Carolina.....	10/19/75	09/28/84	06/14/82
North Dakota.....	06/13/75		
Ohio.....	03/11/74	01/28/83	07/27/83
Oregon <sup>1</sup> .....	09/26/73	03/02/79	03/12/81
Pennsylvania.....	06/30/78	06/30/78	
Rhode Island <sup>1</sup> .....	09/17/84	09/17/84	09/17/84
South Carolina.....	06/10/75	09/26/80	04/09/82
Tennessee.....	12/28/77		08/10/83
Utah.....	07/07/87	07/07/87	07/07/87
Vermont.....	03/11/74		03/16/82
Virgin Islands.....	06/30/74		
Virginia.....	03/31/75	02/09/82	
Washington.....	11/14/73		09/30/86
West Virginia <sup>1</sup> .....	05/10/82	05/10/82	05/10/82
Wisconsin <sup>1</sup> .....	02/04/74	11/26/79	12/24/80
Wyoming.....	01/30/75	05/18/81	

<sup>1</sup> State approved to issue general permits.

#### Review Under the Regulatory Flexibility Act and Executive Order 12291

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* EPA is required to prepare a Regulatory Analysis for all rules which have a significant impact on a substantial number of small entities. The approval of the Maryland NPDES permit program to administer federal facilities merely transfers responsibility for administration of these facilities from the Federal to the State government. No new substantive requirements are established by this action. Therefore, this notice does not have a significant impact on a substantial number of small entities. Consequently, it does not trigger the requirement of a Regulatory Flexibility Analysis.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Dated: November 5, 1987.

James M. Seif,  
Regional Administrator, Region III.  
[FR Doc. 87-27305 Filed 12-1-87; 8:45 am]  
BILLING CODE 6560-50-M

#### 40 CFR Part 180

[OPP-00248; FRL-3297-2]

#### Pesticide Tolerances for Chlorpyrifos; Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

**ACTION:** Final rule; Technical amendment.

**SUMMARY:** This technical amendment clarifies duplicative amendatory language in an amendment to 40 CFR 180.342 by setting out the section in its entirety. No new regulatory requirements are added.

**EFFECTIVE DATE:** December 2, 1987.

**FOR FURTHER INFORMATION CONTACT:** Donald R. Stubbs, Emergency Response and Minor Use Section (TS-767C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 716H, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703)-557-1806.

**SUPPLEMENTARY INFORMATION:** In the Federal Register of July 22, 1987 (52 FR 27549), EPA amended 40 CFR 180.342 by designating the existing text as paragraph (a) and adding new paragraph (b). In the Federal Register of September 2, 1987 (52 FR 32236), EPA amended 40 CFR 180.342 to add two commodities, asparagus and grapes, to paragraph (b). The second amendment, which appeared as item 17 on page 33238, inadvertently repeated components of the amendment at July 22, 1987; 52 FR 27549, i.e., designating the existing text as paragraph (a) and adding new paragraph (b). This technical amendment clarifies § 180.342 by republishing it. No new regulatory requirements are being set forth, and advance notice and public comment are not necessary. (21 U.S.C. 346a.)

#### List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: November 19, 1987.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, Part 180 is amended as follows:

#### PART 180—[AMENDED]

1. The authority citation continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.342 is revised in its entirety, to read as follows:

#### § 180.342 Chlorpyrifos; tolerances for residues.

(a) Tolerances are established for combined residues of the pesticide chlorpyrifos (*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate and its metabolite 3,5,6-trichloro-2-pyridinol in or on the following raw agricultural commodities:

Commodities	Parts per million
Alfalfa, green forage	4.0
Alfalfa, hay	15.0
Almonds	0.2
Almonds, hulls	12.0
Apples	1.5
Bananas (whole)	0.25
Bananas, pulp with peel removed	0.05
Bean forage	1.0
Beans, lima	0.05
Beans, lima, forage	1.0
Beans, snap	0.05
Beans, snap, forage	1.0
Beets, sugar, roots	1.0
Beets, sugar, tops	8.0
Cattle, fat	2.0
Cattle, mbyop	2.0

Commodities	Parts per million
Cattle, meat	2.0
Cherries	2.0
Citrus fruits	1.0
Corn, field, grain	0.1
Corn, fresh (inc. sweet K-CWHR)	0.1
Corn, fodder	10.0
Corn, forage	10.0
Cottonseed	0.5
Cranberries	1.0
Cucumbers	0.1
Eggs	0.1
Figs	0.1
Goats, fat	1.0
Goats, mbyop	1.0
Goats, meat	1.0
Hogs, fat	0.5
Hogs, mbyop	0.5
Hogs, meat	0.5
Horses, fat	1.0
Horses, mbyop	1.0
Horses, meat	1.0
Kiwifruit	2.0
Legume vegetables, succulent or dried (except soybeans)	0.1
Milk, fat (reflecting 0.02 ppm)	0.5
Mint hay	1.0
Mushrooms	0.1
Nectarines	0.05
Onions (dry bulb)	0.5
Pea forage	1.0
Peaches	0.05
Peanuts	0.5
Peanut hulls	15.0
Pears	0.05
Peppers	1.0
Plums (fresh prunes)	0.05
Poultry, fat (including turkeys)	0.5
Poultry, mbyop (including turkeys)	0.5
Poultry, meat (including turkeys)	0.5
Pumpkins	0.1
Radishes	3.0
Rutabagas	3.0
Seed and pod vegetables	0.1
Sheep, fat	1.0
Sheep, mbyop	1.0
Sheep, meat	1.0
Sorghum, fodder	6.0
Sorghum, forage	1.5
Sorghum, grain	0.75
Soybeans	0.5
Soybean, forage	8.0
Soybean, straw	15.0
Strawberries	0.5
Sunflower, seeds	0.25
Sweet potatoes	0.1
Tomatoes	0.5
Tree nuts	0.2
Turnips (greens)	1.0
Turnips (roots)	3.0
Vegetables, leafy, Brassica (cole)	2.0
Walnuts	2.0

<sup>1</sup> Of which no more than 1.0 ppm is chlorpyrifos.

(b) Tolerances with regional registration, as defined in § 180.1(n), are established for the combined residues of chlorpyrifos and its metabolite 3,5,6-trichloro-2-pyridinol in or on the following raw agricultural commodities:

Commodities	Parts per million
Asparagus	5.0
Dates	0.5 (of which no more than 0.3 ppm is chlorpyrifos)
Grapes	0.5
Leeks	0.5 (of which no more than 0.2 ppm is chlorpyrifos)

[FR Doc. 87-27552 Filed 12-1-87; 8:45 am]

BILLING CODE 6560-50-M

#### GENERAL SERVICES ADMINISTRATION

#### 41 CFR PART 101-7

[FPMR Temp. Reg. A-24, Rev. 1]

#### Use of Travel Agents and Travel Management Centers (TMCs) by Federal Executive Agencies

AGENCY: Federal Supply Service, GSA.

ACTION: Temporary regulation.

**SUMMARY:** This regulation provides current Governmentwide policies and procedures for the use of commercial travel agents by executive agencies. It also provides for the establishment, control, and administration of travel management centers (TMCs) when procuring passenger transportation and travel services for official travel.

**DATES:** Effective date: August 31, 1987.

Expiration date: August 31, 1988.

#### FOR FURTHER INFORMATION CONTACT:

Terry Angelo, Director, Travel and Transportation Management Division (FBT), Washington, DC 20406; telephone FTS 557-1264 or commercial 703-557-1264.

**SUPPLEMENTARY INFORMATION:** GSA has determined that this is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

#### List of Subjects in 41 CFR Part 101-7

Government property management.

Authority: Sec. 205(c) 63 Stat. 390; 40 U.S.C. 486(c).

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter A to read as follows:

#### Federal Property Management Regulations

#### Temporary Regulation A-24

#### Revision 1

November 9, 1987.

To: Heads of Federal agencies.

Subject: Use of travel agents and travel management centers (TMCs) by Federal executive agencies.

1. *Purpose.* This regulation provides current Governmentwide policies and procedures for the use of commercial travel agents to supply transportation and travel services for Federal Government travelers on official travel. It also provides for the establishment, control, and administration of travel management centers which will supply these services to the Federal Government agencies.

2. *Effective date.* This regulation is effective August 31, 1987.

3. *Expiration date.* This regulation expires on August 31, 1988, unless sooner superseded or canceled.

4. *Applicability.* This regulation applies to all executive agencies defined under section 3 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 472).

#### 5. *Background.*

a. Under subsection 201(a) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 481(a)), the Administrator of General Services "shall, in respect of executive agencies, and to the extent that he determines that so doing is advantageous to the Government in terms of economy, efficiency, or service, and with due regard to the program activities of the agencies concerned \* \* \* procure and supply personal property and nonpersonal services for the use of executive agencies in the proper discharge of their responsibilities," among other things.

b. Pursuant to the authority contained in subsection 201(a), above, GSA has entered into contracts with commercial travel agents to serve executive agencies. As of October 1986, GSA had contracted with 138 commercial travel agents located in 160 cities that have agreed to provide services similar to those offered by commercial travel agents. TMCs or scheduled airlines traffic offices (SATO) under contract to GSA are located in all major Federal centers of the United States, and are offered as one of the travel and transportation services of GSA's regional Federal Supply Service Bureaus.

c. GAO removed the restrictions on the use of travel agents by Federal agencies, effective May 25, 1984.

6. *General use of travel agents prohibited.* The services of a travel agent may not be used by executive agencies except:

- a. Through a TMC or SATO under contract to GSA;
- b. Through delegation of authority, obtained from GSA where warranted; or

c. By exception provided in paragraph 1-3.4b of the Federal Travel Regulations (FTR), 41 CFR Part 101-7 which is transmitted by GSA Bulletin FPMR A-40.

7. *Definitions.* In this regulation, the term "travel management center" (TMC) means a commercial travel office operated by a travel agent under contract with GSA or by a SATO under a memorandum of understanding (MOU) or contract with GSA.

#### 8. *Establishment of TMCs.*

a. At the request of Federal agencies, GSA will contract for TMCs in any location where the volume of travel justifies the need for such services and acceptable bidders are available. Generally, GSA will secure services through local travel agents and SATOs; however, areas with dispersed Federal employees or with a limited number of travel agents may need to be served by more distant firms.

b. Employees are not authorized to use a TMC unless their agency has initially made the decision to use a TMC and established internal procedures (subject to this regulation) for their use (see subpar. 12d).

9. *TMC responsibilities.* Under the terms of the contract, the TMC is required to:

a. Comply with the Federal Travel Regulations (FTR), and similar regulations as applicable, such as the Joint Travel Regulations (JTR) and the State Department Travel Regulations (6 FAM 100);

b. Comply with all appropriate Federal travel programs, such as the GSA scheduled passenger transportation services contracts, GSA contractor-issued charge cards (both individual and agency travel accounts), and the "Fly-America Act";

c. Provide a full range of services to assist the traveler or Federal agency. This includes airline, bus, steamship, or train reservations and ticketing; hotel and motel reservations; commercial auto rentals; assistance with visas and passports; and arranging conferences and seminars;

d. Deliver travel documents to designated "control points" for agencies' convenience;

e. Respond quickly when problems arise regarding changes in a traveler's itinerary; and

f. Provide appropriate management information reports which include all billing activity, summarize travel data, and confirm adherence to Federal travel policies.

10. *Agency requests for establishment of TMCs.* The following information is required by GSA to properly evaluate a request to establish a TMC. Requests

should be directed to the GSA zonal Federal Supply Service Bureau, shown in attachment A, that has jurisdiction over the State where travel management services are required. For each location to be served, agencies should provide:

a. The name and address of the agency or agencies desiring to use the proposed TMC, including the name and telephone number of an agency representative designated to act as liaison;

b. An estimate of official airline travel (number of tickets and total dollar cost) based on prior year's travel records, and an estimate of the percentage of international travel, if any;

c. Number of Federal agency employees; and

d. Any special travel requirements that should be included in GSA's solicitation, such as a high percentage of complex international travel.

#### 11. *GSA responsibilities.*

a. GSA, through the appropriate GSA zonal Federal Supply Service Bureau, will acknowledge receipt of agency requests immediately and provide an estimated date of evaluation. If further details are needed, subsequent meetings between GSA and agency liaison personnel will be arranged.

b. GSA will handle all required procurement processes, including solicitation development, selection of the successful bidder, and award and administration of the contract.

c. A GSA project coordinator will be appointed to act as the primary liaison person between the requesting agency and TMC contractor.

#### 12. *Agency responsibilities.*

a. Agencies may be requested to participate with GSA on a technical review panel to evaluate proposals from travel agents in the selection and evaluation process.

b. Agencies will be requested to participate on a local oversight committee to review TMC performance, coordinate agency and TMC procedures, and provide GSA with requested information. Local oversight committee participation may be on a rotating or permanent basis.

c. Agencies are required to comply with the terms of the GSA contract and may not make separate contractual agreements with TMCs.

d. Before a TMC begins service, requesting agencies must establish, as a minimum, certain internal procedures. Since many agencies have numerous field offices participating in the program, it is recommended that they standardize the following:

(1) Requirements for certification of official travel. (For example, some

agencies require that a copy of the travel authorization be exchanged for each ticket received at the point of delivery, while other agencies provide travelers with an accounting code to use when ordering tickets);

(2) Billing and payment procedures, including ticket refunds. (For example, an agency with a national or centralized finance office may require field offices to return unused tickets to that office which will, in turn, make a request to the TMC for ticket refunds, rather than have field offices returning tickets directly); and

(3) Advice to subordinate offices of appropriate TMC billing and payment procedures.

e. Agencies shall provide the TMC with the following information for each

location where the service will be performed:

(1) The names and telephone numbers of agency liaison personnel designated to work locally with the TMC contractor and GSA project coordinator;

(2) Specific ticket delivery locations or "control points," including names and telephone numbers of personnel authorized to accept tickets; and

(3) Any special or unusual agency travel policies or travel-related requirements.

f. Transactions with a TMC are comparable to those made directly with a carrier. Therefore, transactions between the agency and the TMC are governed by applicable audit regulations. (For example, when an agency uses Government Transportation Requests (GTRs) they shall be made out

in the name of the TMC, not the carriers. Similarly, unused tickets purchased from the TMC shall be returned directly to the TMC for refunds.)

g. Agencies shall remain responsible for employee compliance with the Federal Travel Regulations, including mandatory use of the contract air/rail carriers program and restrictions on first-class air travel.

h. Agencies shall comply with the Prompt Payment Act of 1982 and make timely payments to the TMC in accordance with the Act and OMB guidelines.

13. *Effect on other directives.* FPMR Temporary Regulation A-24, and Supplements 1 and 2 thereto, are canceled.

T.C. Golden,

Administrator of General Services.

#### ATTACHMENT A.—GSA FEDERAL SUPPLY SERVICE BUREAUS

Zone	Address	Telephone
Eastern: CT, MA, ME, NH, RI, VT, NJ, Puerto Rico, Virgin Islands, DE, MD, <sup>1</sup> PA, VA, <sup>2</sup> NC, SC, TN, AL, FL, MS, GA, KY.	GSA (4FBT), 75 Spring Street, SW, Atlanta, GA 30303.	FTS 242-5121; COML 404-331-5121.
Central: IL, IN, MI, MN, OH, WI, IA, KS, MO, NE.....	GSA (6FBT), 9001 Stateline, Kansas City, MO 64114.	COML 816-523-6029.
Southwestern: AR, LA, NM, OK, TX, CO, MT, ND, SD, UT, WY.	GSA (7FBT), 819 Taylor Street, Fort Worth, TX 76102.	FTS 334-2733; COML 817-334-2733.
Western: American Samoa, AZ, CA, GU, HI, NV, Northern Mariana Islands, Pacific Trust Territories, AK, ID, OR, WA.	GSA (9FBT), 525 Market Street, San Francisco, CA 94105.	FTS 454-9295; COML 415-974-9295.
National Capital Region: DC, MD, <sup>3</sup> VA <sup>4</sup> .....	GSA (WFBT), 7th & D Streets, SW., Washington, DC 20407.	FTS 472-1626; COML 202-472-1626.

<sup>1</sup> Except for those counties under NCR jurisdiction as listed in number 3.

<sup>2</sup> Except for those cities and counties under NCR jurisdiction as listed in number 4.

<sup>3</sup> Counties of Prince Georges and Montgomery only.

<sup>4</sup> Cities of Alexandria, Fairfax, Manassas Park, and counties of Arlington, Fairfax, Loudoun, and Prince William only.

[FR Doc. 87-27827 Filed 12-1-87; 8:45 am]

BILLING CODE 6820-24-M

#### INTERSTATE COMMERCE COMMISSION

##### 49 CFR Part 1160

[Ex Parte No. 55 (Sub-No. 65)]

#### Applications for Motor Common Carrier Authority To Transport Passengers; Recipients of Governmental Financial Assistance

AGENCY: Interstate Commerce Commission.

ACTION: Notice of interim rules with request for comments.

**SUMMARY:** The Commission is adopting interim application rules to implement section 339 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (the Act), Pub. L. No. 100-17, 101 Stat. 132, enacted April 2, 1987. Section 339 amended the Interstate Commerce Act to change the entry policy for motor common carriers of passengers that are recipients of governmental financial assistance. The Act established two types of assistance recipients, public and private, and adopted additional public interest factors to be considered under the current public interest test in evaluating their applications. The additional public interest factors require that the Commission consider: (1) The amount and extent of governmental financial

assistance received by an applicant for a certificate; and (2) in applications by public recipients, whether those opposing an application are motor common carriers willing and able to provide the transportation proposed. Interim rules are adopted in the rules section at the end of this notice, pending comment and approval of final rules. They provide procedures by which public and private recipients may apply for common carrier authority and by which such applications may be opposed. Interim changes to Application Form OP-1 are adopted to correspond to the revised application rules. The changes are at the end of this notice as an addendum to the OP-1 that an applicant for motor common carrier passenger authority is requested to

complete and include in any application filed after the service date of this decision, pending final rules and reissuance of the OP-1.

**DATES:** Interim rules and changes are effective December 2, 1987; comments are due January 4, 1988.

**ADDRESS:** Send an original and, if possible, 10 copies of comments referring to Ex Parte No. 55 (Sub-No. 65) to: Case Control Branch, Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

**FOR FURTHER INFORMATION CONTACT:** Judy Ann Barnes, (202) 275-7962

or

Barbara Reideler, (202) 275-7982.

[TDD—(202) 275-1721]

#### **SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 289-4357/4359 (D.C. Metropolitan area), (assistance for the hearing impaired is available through TDD services (202) 275-1721 or by pickup from Dynamic Concepts, Inc., in Room 2229 at Commission headquarters).

#### **Environmental and Energy Considerations**

We preliminarily conclude that the proposed action will not significantly affect either the quality of the human environment or the conservation of energy resources.

#### **Initial Regulatory Flexibility Analysis**

The Commission certifies that the interim and proposed final rules will not have a significant economic impact on a substantial number of small entities because they are not required to file applications that are substantially different from those currently filed.

#### **List of Subjects in 49 CFR Part 1160**

Administrative practice and procedure, Buses, Motor carriers.

Decided: November 23, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

Title 49 of the Code of Federal Regulations is amended by interim rules as follows:

#### **PART 1160—HOW TO APPLY FOR OPERATING AUTHORITY**

1. The authority citation for Part 1160 continues to read as follows:

Authority: 49 U.S.C. 10101, 10305, 10321, 10921, 10922, 10923, 10924, and 11102; 5 U.S.C. 553 and 559; 16 U.S.C. 1456.

2. Section 1160.71 is amended by removing paragraph (b)(1), redesignating paragraphs (b)(2) and (b)(3) as (b)(1) and (b)(2) respectively and by revising the heading and paragraphs (a)(1) and (a)(2) to read as follows:

**§ 1160.71 Types of proof required for applications for operating authority to perform motor carrier transportation of passengers (except for public or private recipient applications described at § 1160.71a).**

- (a) \* \* \*
- (1) Motor common carrier of passengers charter transportation.
- (2) Motor common carrier of passengers special transportation.

3. A new § 1160.71a is added to read as follows:

**§ 1160.71a Types of proof required for applications filed by public or private recipients of governmental financial assistance for a certificate to perform motor common carrier transportation of passengers.**

(a) *Definitions*—(1) *Public recipient.* Any State; any municipality or other political subdivision of a State; any public agency or instrumentality of one or more States and municipalities and political subdivisions of a State; any Indian tribe; and any corporation, board, or other person owned or controlled by any of the above entities or owned by, controlled by, or under common control with another corporation, board, or other person owned or controlled by such entities which has received or is receiving governmental financial assistance for the purchase or operation of any bus.

(2) *Private recipient.* Any person (other than a public recipient) who has received or is receiving governmental financial assistance in the form of a subsidy for the purchase, lease, or operation of any bus.

(b) *"Public interest" applications.* The following types of applications filed by public and private recipients require the findings described at § 1160.71(b) and may be opposed as described there.

(1) Public recipient transportation of passengers over regular routes in interstate or foreign commerce, except to perform a service described in § 1160.71(a) (3), (4), or (5).

(2) Public recipient transportation of passengers over regular routes in intrastate commerce under 49 U.S.C. 10922(c)(2)(B).

(3) Private recipient transportation of passengers over regular routes in

interstate or foreign commerce, except to perform a service described in § 1160.71(a) (3), (4) or (5).

(4) Private recipient transportation of passengers over regular routes in intrastate commerce under 49 U.S.C. 10922(c)(2)(B).

(5) Private recipient special or charter transportation, except to perform a service described in § 1160.71(a) (3), (4), or (5).

(c) *"Public recipient, special or charter transportation" applications.* These types of applications involve a finding that applicant is fit, willing, and able, and the issue of whether:

(1) No motor common carrier of passengers (other than a public recipient) is providing, or is willing and able to provide, the transportation to be authorized by the certificate; or

(2) The transportation to be authorized by the certificate is to be provided entirely in the area in which the public recipient provides regularly scheduled mass transportation services.

A protestant may oppose the application on the grounds that applicant is not fit; or the protestant is a private recipient or nonrecipient providing, or willing and able to provide, any service proposed by applicant outside the area in which the applicant provides regularly scheduled mass transportation services.

#### **§ 1160.75 [Amended]**

4. In § 1160.75, paragraph (d) is removed, and paragraphs (e) through (m) are redesignated (d) through (l).

5. Section 1160.76 is amended by revising the introductory text of paragraph (a)(1)(i), the introductory text of paragraph (a)(1)(ii), the introductory text of paragraph (a)(1)(iii), and paragraph (a)(1)(iv) to read as follows:

#### **§ 1160.76 Caption summary.**

(a) \* \* \*

(1) *Common Carriage.* (i) Charter or special applications [except applications listed at § 1160.71(a) (3), (4), and (5) and at § 1160.71a(c)];

(ii) Regular-route applications [except applications listed at § 1160.71(a) (3), (4), and (5)];

(iii) Charter or special applications listed at § 1160.71(a) (3), (4), and (5);

(iv) Public recipient, charter or special applications under § 1160.71a: To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers*, in (charter, special) operations, beginning and ending at (specified community or area)

and extending to points in (radial territory); or between points in (nonradial territory).

6. Section 1160.88 is amended by revising the heading to read as follows:

**§ 1160.88 Statutory findings for applications filed under 49 U.S.C. 10922(c)(1), 49 U.S.C. 10922(c)(2)(B), and 49 U.S.C. 10923.**

7. Section 1160.92 is amended by revising paragraph (d) to read as follows:

**§ 1160.92 Contents of the protest.**

(d) A protestant files two separate types of evidence: Protestants shall submit qualifications evidence in the format in § 1160.93 and factual evidence according to the guidelines in § 1160.94, § 1160.95, or § 1160.96.

8. Section 1160.95 is amended by revising the introductory text, the second sentence of (a) introductory text, (a)(3), the last sentence of paragraph (a)(4), and adding the last sentence of (a) introductory text and paragraphs (a)(5) and (6) to read as follows:

**§ 1160.95 Factual evidence format for public interest applications.**

*Scope.* The types of applications listed in § 1160.71(b) and § 1160.71a(b) may be protested only on the grounds listed here.

(a) \* \* \* Five factors are to be considered to the extent applicable, and given equal weight in determining whether authorization would be consistent with the public interest. A sixth factor is to be considered in the public recipient applications listed at § 1160.71a(b)(1), and given equal weight with each of the other five factors.

(3) The effect of issuance of the certificate on motor carrier of passenger service to small communities;

(4) \* \* \* The routes and services of affiliates and subsidiaries of protestant shall be considered part of protestant's system for this purpose;

(5) The amount and extent of governmental financial assistance which

the applicant for the certificate has received or is receiving for the purchase or operation of buses; and

(6) In public recipient applications listed at § 1160.71a(b)(1), whether the person objecting to issuance of the certificate is a motor common carrier of passengers which is providing, or is willing and able to provide, the transportation to be authorized by the certificate.

**§§ 1160.96 through 1160.99 [Redesignated as §§ 1160.97 through 1160.99a]**

9. Sections 1160.96 through 1160.99 are redesignated as §§ 1160.97 through 1160.99a respectively and a new § 1160.96 is added to read as follows:

**§ 1160.96 Factual evidence format for public recipient, special or charter applications.**

*Scope.* The types of applications listed in § 1160.71a(c) may be protested only on the grounds listed here.

(a) Evidence that applicant cannot meet the statutory fitness criteria.

(b) Evidence that the protestant is a private recipient or a nonrecipient providing, or willing and able to provide, any service proposed by the applicant outside the area in which the applicant provides regularly scheduled mass transportation services.

*Editorial Note:* The following special addendum will not appear in the Code of Federal Regulations.

**Special Addendum to Form OP-1 (Revised 12/87) for Applicants for Motor Common Carrier Authority To Transport Passengers**

Due to Section 339 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, Pub. L. No. 100-17, 101 Stat. 132, enacted April 2, 1987, and Ex Parte No. 55 (Sub-No. 65), *Applications for Motor Common Carrier Authority to Transport Passengers—Recipients of Governmental Financial Assistance* (not printed), served December 1, 1987, the following changes are adopted to Part II(c) of the OP-1 Application Form on an interim basis. All applicants for motor common carrier passenger authority are requested to include the changes in preparing Part II(c) of the application. These applicants must file with the OP-1 Application Form a completed addendum or furnish the requested

information separately. This addendum will be used until final changes are adopted and the OP-1 Application Form is reissued to include them.

1. In Part II(c), the introductory text is revised to read as follows:

(c) If the application is for motor passenger authority, all applicants must prove that they are fit, willing, and able. Check the box(es) to indicate the type of application being filed. Applicants need not complete the appendix because witness support is not necessary.

*Note:* Applicants for motor common carrier authority that receive governmental financial assistance are identified separately from nonrecipients of such assistance. Indicate which one of the following definitions identifies applicant:

(1) [ ] Public recipient—A State; any municipality or other political subdivision of a State; a public agency or instrumentality of such entities or one or more States; an Indian tribe; and any corporation, board, or other person owned or controlled by such entities or owned by, controlled by, or under common control with such a corporation, board, or person which has received or is receiving governmental financial assistance for the purchase or operation of any bus.

(2) [ ] Private recipient—Any person, other than a public recipient, who has received or is receiving governmental financial assistance in the form of a subsidy for the purchase, lease, or operation of any bus.

(3) [ ] Nonrecipient—Any applicant other than a public or private recipient.

2. In Part II(c) under the heading PASSENGER FITNESS-ONLY APPLICATIONS, paragraphs (1) and (2) are revised to read as follows:

(1) [ ] Nonrecipient, motor common carrier of passengers charter transportation.

(2) [ ] Nonrecipient, motor common carrier of passengers special transportation.

3. In Part II(c) under the heading PASSENGER PUBLIC INTEREST APPLICATIONS, paragraphs (2) and (3) are redesignated as paragraphs (3) and (4), paragraph (1) is removed, new paragraphs (1) and (2) are added, and paragraphs NOTE and (3) are revised to read as follows: *Note:* In addition to fitness issues, these applications may be opposed on the basis that the proposal is not consistent with the public interest, unless the application qualifies as a fitness-only, interstate service at (3), (4), or (5) above.

(1) [ ] Private recipient, motor common carrier of passengers charter transportation.

[FR Doc. 87-27647 Filed 12-1-87; 8:45 am]

BILLING CODE 7035-01-M

# Proposed Rules

Federal Register

Vol. 52, No. 231

Wednesday, December 2, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

#### 7 CFR Part 401

[Amendment No. 24; (Doc. No. 4685S)]

### General Crop Insurance Regulations

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) proposes to amend the General Crop Insurance Regulations (7 CFR Part 401), to provide for an assigned coverage level 1 if the insured does not elect a level of coverage. The intended effect of this rule is to change the level of assigned coverage from 2 to 1 in order to protect the actuarial integrity of the insurance program with respect to an elected coverage level, and continue to allow coverage level election by the insured of levels 1, 2, and 3. The authority for the promulgation of this rule is contained in the Federal Crop Insurance Act, as amended.

**DATE:** Written comments, data, and opinions on this proposed rule must be submitted not later than February 1, 1988, to be sure of consideration.

**ADDRESS:** Written comments on this proposed rule should be sent to Peter F. Cole, Office of the Manager, Federal Crop Insurance Corporation, Room 4090, South Building, U.S. Department of Agriculture, Washington, DC 20250.

**FOR FURTHER INFORMATION CONTACT:** Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447-3325.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed under USDA procedures established by Departmental Regulation 1512-1. This action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date

established for these regulations is established as April 1, 1992.

E. Ray Fosse, Manager, FCIC, (1) has determined that this action is not a major rule as defined by Executive Order 12291 because it will not result in: (a) an annual effect on the economy of \$100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) certifies that this action will increase the federal paperwork burden for individuals, small businesses, and other persons.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Under the provisions contained in 7 CFR Part 401, the General Crop Insurance Regulations, the insured has the option of electing a level of coverage expressed as a percentage of the potential production. Such information is made part of the Actuarial Table on file in the service office.

The level of coverage elected by the insured may be 50%, 65%, or 75% of the potential production. The present provisions of the general insurance policy provide that if the insured does not elect a level of coverage, FCIC will assign a Level 2, or a 65% coverage level.

Our review of present policy application and coverage level elections shows a preference for the 50% (Level 1) coverage level. In view of this indicated preference, FCIC is proposing that the

assigned level of coverage will be level 1 (50%) when the insured does not indicate a preference. It is further proposed to make this rule applicable to all crops having a sales closing date subsequent to February 27, 1988.

FCIC is soliciting public comment for 60 days after publication of the rule in the Federal Register.

All written comments received pursuant to this proposed rule will be available for public inspection in the Office of the Manager, Federal Crop Insurance Corporation, Room 4090, South Building, U.S. Department of Agriculture, Washington, DC 20250, during regular business hours, Monday through Friday.

#### List of Subjects in 7 CFR Part 401

General crop insurance regulations.

#### Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to amend the General Crop Insurance Regulations (7 CFR Part 401), in the following instances:

#### PART 401—[AMENDED]

1. The authority citation for 7 CFR Part 401 continues to read as follows:

**Authority:** Secs. 506, 516, Pub. L. 75-430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

2. 7 CFR 401.8.(d)4.b. is revised to read as follows:

#### § 401.8 The application and policy.

\* \* \* \* \*

(d) \* \* \*

4. Production Guarantees, Coverage Levels or Amounts of Insurance, and Prices for Computing Indemnities.

\* \* \* \* \*

b. Coverage level 1 will apply if you do not elect a coverage level.

\* \* \* \* \*

Done in Washington, DC on November 16, 1987.

**E. Ray Fosse,**

Manager, Federal Crop Insurance Corporation.

[FR Doc. 87-27662 Filed 12-1-87; 8:45 am]

**BILLING CODE 3410-08-M**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Ch. I

[Docket No. 25467; Summary Notice No. PR-87-10]

## Summary of Rulemaking Petition Received From American Airlines, Inc.

AGENCY: Federal Aviation Administration [FAA], DOT.

ACTION: Notice of petition for rulemaking.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of a petition by American Airlines, Inc., seeking rulemaking to impose temporary takeoff and landing restrictions at Los Angeles International Airport (LAX). The petition is based on the planned closure of LAX Runway 24L/6R for a period of 4 to 6 months for reconstruction. Closure of Runway 24L/6R will reduce the capacity of the airport, and thereby increase the number of delayed flights and add to the average delay of each such flight. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither the publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on petitions received must identify the petition docket number involved and be received on or before December 22, 1987.

**ADDRESSES:** Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket [AGC-204], Docket No. 25467, 800 Independence Avenue, SW., Washington, DC 20591.

**FOR FURTHER INFORMATION CONTACT:** David L. Bennett, Office of the Chief Counsel, AGC-230, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, (202) 267-3491.

**SUPPLEMENTARY INFORMATION:** The Petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory document and are available for examination in the Rule Docket [AGC-204], Room 915, FAA Headquarters Building [FOB-10A], Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

Petitioner asserts that the closure of LAX Runway 24L/6R for reconstruction will result in an unacceptable level of delays in scheduled service for the 4 to 6 months the runway will be closed. Petitioner requests that the FAA initiate an expedited rulemaking action to impose restrictions on operations at LAX, including but not limited to a limit on the number of general aviation operations at the airport. Petitioner further requests a public meeting with the incumbent operators at LAX to explore alternatives and develop consensus measures to limit delays during the closure of the runway.

Petitioner also requested that this notice be published immediately with a comment period of 10 days. Under FAR § 11.27(b), comments on a petition for rulemaking are due within 60 days of publication in the *Federal Register* unless the Administrator finds, for good cause, that a different period is appropriate. Due to the imminent closure of Runway 24L/6R, the FAA has agreed to petitioner's request to publish this notice of petition immediately rather than holding the petition for publication of the next list of petitions for rulemaking. Comments are requested within 20 days, in consideration of the planned closure of LAX Runway 24L/6R in January 1988.

Issued in Washington, DC on November 25, 1987.

John H. Cassady,  
Assistant Chief Counsel, Regulations and Enforcement Division.

[FR Doc. 87-27678 Filed 12-1-87; 8:45 am]

BILLING CODE 4910-13-M

## 14 CFR Part 39

[Docket No. 86-CE-71-AD]

**Airworthiness Directives; Cessna Models 150, A150, F150, FA150, FRA150, 152, F152, FA152, A152, 170, 172, F172, FR172, P172, R172, 172RG, 175, 177, F177, 180, 182, F182, FR182, R182, TR182, 185, A185, 188, A188, T188, 190, 195, 205, 206, P206, U206, TU206, TP206, 207, T207, 210, P210, T210, 336, 337, F337, FP337, P337, T337, and T303 Series Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This Notice proposes to revise and reissue Airworthiness Directive (AD) 87-02-03, Amendment 39-5729, to include all applicable models, clarify and correct wording, include another option for temporary

operation of the airplane, add additional Supplement Type Certificates (STCs) for corrective action, and list the names and addresses of STC holders.

**DATES:** Comments must be received on or before January 21, 1988.

**ADDRESSES:** Cessna Single Engine Service Information Bulletin SE83-6 dated March 11, 1983, applicable to this AD may be obtained from Cessna Aircraft Company, Customer Service, P.O. Box 1521, Wichita, Kansas 67201.

Copies of STCs applicable to this AD may be obtained from the holders as follows: STCs SA1196GL, SA1209GL, SA1210GL, SA1211GL, SA1212GL, SA1227GL, SA1228GL, SA1229GL, SA1230GL and SA1239GL, Aero Technologies, Inc., P.O. Box 191, Mt Clemens, Michigan 48046, 313-469-1952; STC SA2960NM, B & D Company, Inc., 14409 141st Avenue, SE., Renton, Washington 98056, 206-244-4455; STC SA3643SW, The Rebound Company, P.O. Box 656, Marble Falls, Texas 78654, 512-693-5478. Send comments on the proposal in triplicate to Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 86-CE-71-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Douglas W. Haig, Aerospace Engineer, ACE-120W, Federal Aviation Administration, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone 316-946-4409.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. Comments are specifically invited on the overall regulatory, economic, environmental and energy aspects of the proposed rule. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested

persons. A report summarizing each FAA public contact concerned with the substance of this proposal will be filed in the Rules Docket.

#### Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 86-CE-71-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

#### Discussion

NPRM Docket Number 86-CE-71-AD which appeared in the *Federal Register* on January 7, 1987 (52 FR 554) and the resulting AD 87-20-03, did not include all applicable models. In addition there were different typographical errors in the *Federal Register* and in the AD as transmitted to owners of record. These errors are corrected. Technical improvements are incorporated to assist in conducting required inspections. Further, additional STCs have become applicable which will be added to the proposed AD along with the names and addresses of all applicable STC holders. Also, the use of cargo tie-downs for a temporary restraint is included.

Therefore, I certify that this action (1) is not a major rule under the provisions of Executive Order 12291, (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and (3) if promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

A copy of the draft regulatory evaluation has been prepared for this action and has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

#### List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the FAR as follows:

#### PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

#### § 39.13 [Amended]

2. By revising and reissuing AD 87-20-03 to read as follows:

Cessna: Applies to the following airplanes, certificated in any category:

Models	Serial numbers
150A, 150B, 150C, 150D, 150E, 150F, 150G, 150H, 150J, 150K, 150L, 150M, A150K, A150L, A150M.....	15058019 thru 15079405.  A1500001 thru A1500734. All. 18000 thru 27169. All.
152, A152..... 170, 170A, 170B..... 172, 172A, 172B, 172C, 172D, 172E, 172F, 172G, 172H, 172I, 172K, 172L, 172M, 172N, 172P, 172Q.....	  <

flight, remove, clean, and reinstall these parts.

**Note:** Do not lubricate rollers, washers, axle bolts or bushings as the lubrication will attract dust and other particles which can cause binding.

(5) Measure the wall thicknesses of the roller housing and the tang (see Figure 1b). If the tang thickness has worn to less than  $\frac{1}{2}$  the housing thickness, prior to further flight, replace the roller housing.

(6) Check the spring(s) that keep the lock pin(s) in position in the track holes for positive engagement action. Prior to further flight, replace any spring which does not provide positive engagement.

(7) Visually inspect the seat tracks for cracks in accordance with Cessna Single Engine Service Information Letter SE83-6, dated March 11, 1983. Prior to further flight, replace any seat rail exceeding the crack criteria as specified in SE83-6 with an airworthy rail.

(b) In the event replacement parts are not available but have been ordered, to permit the airplane to be flown until required parts are installed, accomplish one of the following options. However, by no later than October 1, 1988, accomplish the compliance to paragraph (a).

#### Option 1

(1) Install a Cessna Cargo Tie-Down Clamp, Part Number 0711121-2 or 1201039-1 on the seat rail and clamp it in position so as to limit the aft movement of the seat to 8 inches on all Models of the 150 and 152 and 10 inches on all other applicable models.

(2) Install a placard with a minimum letter size of  $\frac{1}{8}$  inch on the instrument panel in clear view of the pilot which states: PARTS TO COMPLY WITH PARA (a) OF AD 87-20-03 ARE ON ORDER. SEAT RAILS HAVE BEEN MODIFIED PER OPTION 1 OF AD 87-20-03.

(3) Remove the placard and tie-down clamp when airworthy seat rail parts are installed.

#### Option 2

(1) Determine which of the three configurations of seat track (0.50 inches high standard configurations, 0.69 inches high standard configurations, or 0.50 inches high with carpet retainers) is appropriate. These dimensions are measured from floor to top of rail.

(2) For airplanes incorporating the standard cross section rail .50 inches high, position the seat with the latching pin in the most forward locking position. Locate an AN3 bolt with a standard lock nut horizontally under the rail cap through one of the seat positioning holes to allow a maximum of 6 inches of travel on the seat.

(3) For airplanes incorporating the standard cross section rail .69 inches high, position the seat with the latching pin in the most forward locking position. Locate an AN4 bolt with a standard lock nut horizontally under the rail cap through one of the seat positioning holes that will provide a maximum of 6 inches of travel on the seat.

**Note:** It may be necessary to slightly clean out the hole with a  $\frac{1}{4}$  inch drill.

(4) On those airplanes incorporating the carpet retainer feature with a rail height of .50 inches, locate the seat with the latching pin in the most forward locking position. Identify the seat retaining pin hole in the seat rail that provides a stop at the position that limits the seat roller housing travel to a maximum of 6 inches. Using a rotary file or other similar device, to provide clearance, remove the carpet retaining flanges local to the hole and insert an AN3 bolt horizontally through the rail under the rail cap and retain with a standard locking nut.

(5) On those forward roller housings made of aluminum accomplish the following:

(i) Remove the roller attach bolts and install two AN970-3 washers on the outside of each side of each forward roller housing.

(ii) Install an AN3 bolt of proper length and secure with a standard lock nut.

(6) Install a placard with a minimum letter size of  $\frac{1}{8}$  inch on the instrument panel in clear view of the pilot which states: PARTS TO COMPLY WITH PARA (a) OF AD 87-20-03 ARE ON ORDER. SEAT RAILS HAVE BEEN MODIFIED PRE OPTION 2 OF AD 87-20-03.

(7) Remove the placard and bolts when airworthy seat rail parts are installed.

#### Option 3

(1) On eligible airplanes install one of the following STCs: SA2960NM, SA1209GL, SA1210GL, SA1211GL, SA1212GL, or SA3643SW.

**Note:** The STC provisions may be removed after compliance with paragraph (a) of this AD.

(2) Install a placard with a minimum letter size of  $\frac{1}{8}$  inch on the instrument panel in clear view of the pilot which states: PARTS TO COMPLY WITH PARA (a) OF AD 87-20-03 ARE ON ORDER. STC SA [Insert applicable number here] HAS BEEN INSTALLED.

(3) Remove the placard when airworthy seat rail parts are installed.

(c) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(d) Any parts replaced per this AD are exempt from the inspections required herein until such parts have attained, 1,000 hours TIS.

(e) An equivalent method of compliance with this AD may be used if approved by the Manager, Wichita Aircraft Certification Office, Federal Aviation Administration, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone (316) 946-4400.

All persons affected by this directive may obtain copies of the documents referred to herein upon request to Cessna Aircraft Company, Customer Service, P.O. Box 1521, Wichita, Kansas 67201; STCs SA1196GL, SA1209GL, SA1210GL, SA1211GL, SA1212GL, SA1227GL, SA1228GL, SA1229GL, SA1230GL and SA1239GL, Aero Technologies, Inc., P.O. Box 191, Mt Clemens, Michigan 48046, 313-496-1952; STC SA2960NM, B & D Company, Inc., 14409 141st Avenue, S.E., Renton, Washington 98056, 206-244-4455; STC SA3643SW, The Rebound Company, P.O. Box 656, Marble Falls, Texas 78654, 512-693-5478; or may examine the documents referred to herein at the Federal Aviation Administration, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on November 18, 1987.

**Jerold M. Chavkin,**

*Acting Director, Central Region.*

BILLING CODE 4910-13-M

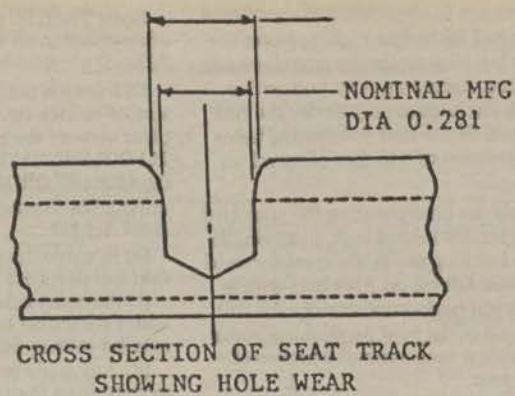


FIGURE 1a

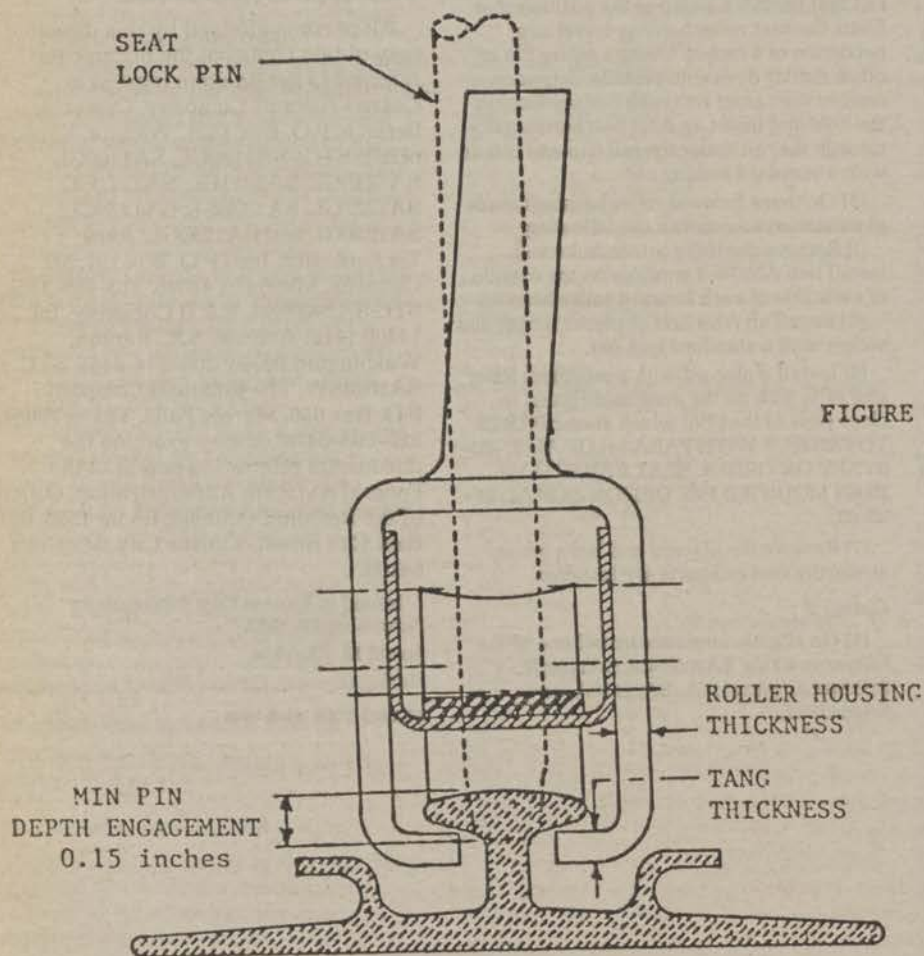


FIGURE 1b

FIGURE 1

## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

## 26 CFR Part 1

[EE-111-82]

**Affiliated Service Groups, Employee Leasing, and Other Arrangements; Public Hearing on Proposed Regulations**

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Notice of public hearing on proposed regulations.

**SUMMARY:** This document provides notice of a public hearing on proposed regulations concerning affiliated service groups, employee leasing, and other arrangements.

**DATES:** The public hearing will be held on Thursday, February 25, 1988, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by February 11, 1988.

**ADDRESS:** The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (EE-111-82), Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:**

Marcia Evans of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, telephone 202-566-3935 (not a toll-free call).

**SUPPLEMENTARY INFORMATION:**

This document contained proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 414(m)(5), 414(n) and (o) of the Internal Revenue Code. These amendments were proposed to conform the regulations to sections 246 and 248 of the Tax Equity and Fiscal Responsibility Act of 1982 (26 U.S.C. 414(m)(5), 414(n)), section 526 of the Tax Reform Act of 1984 (26 U.S.C. 414(n)(2), 414(o)), and section 1146 of the Tax Reform Act of 1986 (26 U.S.C. 414(n), 414(o)). Other sections of the Tax Reform Act of 1986 that relate to section 414(n) were not reflected in this document. The proposed regulations appeared in the *Federal Register* for Thursday, August 27, 1987 (51 FR 32502).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have

submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit, not later than Thursday, February 11, 1988, an outline of oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

Jonathan P. Marget,

Assistant Director, Employee Plans and Exempt Organizations Division.

[FR Doc. 87-27625 Filed 12-1-87; 8:45 am]

BILLING CODE 4830-01-M

## FEDERAL MARITIME COMMISSION

## 46 CFR Part 503

[Docket No. 87-23]

**Access to Any Record of Identifiable Personal Information**

**AGENCY:** Federal Maritime Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Federal Maritime Commission is proposing an amendment to its Privacy Act regulations to adopt exemptions from disclosure requirements in regard to information about individuals which is included in certain investigatory materials.

**DATE:** Comments due on or before January 4, 1988.

**ADDRESS:** Send comments (original and fifteen copies) to: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573, (202) 523-5725.

**FOR FURTHER INFORMATION CONTACT:** Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573, (202) 523-5725.

**SUPPLEMENTARY INFORMATION:** Notice is given that the Federal Maritime Commission ("Commission") is proposing to amend its regulations

implementing the Privacy Act ("Act"), 5 U.S.C. 552a. The proposed amendment would promulgate an exemption under subsections (k)(2) and (5) of the Act for various systems of records<sup>1</sup> within the agency. The exemption would apply to those systems of records which include either investigatory material compiled for law enforcement purposes or investigatory material compiled for the purpose of determining suitability for Federal civilian employment or for access to classified information, but, in regard to the latter, only to the extent disclosure would reveal the identity of a confidential source. The thrust of the exemption is that the provisions of subsections (c)(3) and (d) of the Act, requiring an accounting of disclosures and access to records for an individual about whom the records pertain, would not routinely apply in regard to these classes of investigatory records. The exemption is appropriate in regard to law enforcement records to avoid compromise of ongoing investigations, revelation of the identity of confidential sources, or invasion of personal privacy of third parties. The exemption is appropriate in regard to personnel related investigatory records to protect confidential sources.

The Commission has determined that this proposed rule is not a "major rule" as defined in Executive Order 12291, dated February 17, 1981.

The Chairman of the Commission certifies pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), that this rule, if adopted will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units or small governmental organizations.

**List of Subjects in 46 CFR Part 503**

Privacy.

Therefore, pursuant to 5 U.S.C. 552a(k) and 553, Part 503 of Title 46, Code of Federal Regulations is proposed to be amended as follows:

**PART 503—[AMENDED]**

1. The authority citation for Part 503 continues to read as follows:

Authority: 5 U.S.C. 552, 552a, 552b, 553; E.O. 12356, 47 FR 14874, 15557, 3 CFR 1982 Comp., p. 167.

2. Section 503.68 is revised to read as follows:

<sup>1</sup> The Commission recently published an updated notice of the existence and character of the agency's systems of records (52 FR 10802; April 3, 1987).

**§ 503.68 Exemptions.**

The following systems of records are exempt from the provisions of 5 U.S.C. 552a (c)(3) and (d) which otherwise require the Commission to provide the individual named in the records an accounting of disclosures and access to and opportunity to amend the records. The scope of the exemptions and the reasons therefor are described for each particular system of records.

(a) *FMC—1 Personnel Security File.* All information about individuals that meets the criteria of 5 U.S.C. 552a(k)(5), regarding suitability, eligibility or qualifications for Federal civilian employment or for access to classified information, to the extent that disclosure would reveal the identity of a source who furnished information to the Commission under a promise of confidentiality. Exemption from disclosure is required to honor promises of confidentiality.

(b) *FMC—7 Licensed Ocean Freight Forwarders File.* All information that meets the criteria of 5 U.S.C. 552a(k)(2) regarding investigatory material compiled for law enforcement purposes. Exemption is appropriate because disclosure might compromise ongoing investigations, reveal the identity of confidential sources or constitute unwarranted invasions of personal privacy of third parties.

(c) *FMC—22 Investigatory Files.* All information that meets the criteria of 5 U.S.C. 552a(k)(2) regarding investigatory material compiled for law enforcement purposes. Exemption is appropriate because disclosure might compromise ongoing investigations, reveal the identity of confidential sources or constitute unwarranted invasions of personal privacy of third parties.

(d) *FMC—24 Informal Inquiries and Complaint Files.* All information that meets the criteria of 5 U.S.C. 552a(k)(2) regarding investigatory material compiled for law enforcement purposes. Exemption is appropriate because disclosure might compromise ongoing investigations, reveal the identity of confidential sources or constitute unwarranted invasions of personal privacy of third parties.

(e) *FMC—25 Inspector General File.* (1) All information that meets the criteria of 5 U.S.C. 552a(k)(2) regarding investigatory material compiled for law enforcement purposes. Exemption is appropriate because disclosure might compromise ongoing investigations, reveal the identity of confidential sources or constitute unwarranted invasions of personal privacy of third parties.

(2) All information about individuals that meets the criteria of 5 U.S.C. 552a(k)(5), regarding suitability, eligibility or qualifications for Federal

civilian employment or for access to classified information, to the extent that disclosure would reveal the identity of a source who furnished information to the Commission under a promise of confidentiality. Exemption from disclosure is required to honor promises of confidentiality.

(f) *FMC—26 Administrative Grievance File.* (1) All information that meets the criteria of 5 U.S.C. 552a(k)(2) regarding investigatory material compiled for law enforcement purposes. Exemption is appropriate because disclosure might compromise ongoing investigations, reveal the identity of confidential sources or constitute unwarranted invasions of personal privacy of third parties.

(2) All information about individuals that meets the criteria of 5 U.S.C. 552a(k)(5), regarding suitability, eligibility or qualifications for Federal civilian employment or for access to classified information, to the extent that disclosure would reveal the identity of a source who furnished information to the Commission under a promise of confidentiality. Exemption from disclosure is required to honor promises of confidentiality.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 87-27628 Filed 12-1-87; 8:45 am]

BILLING CODE 6730-01-M

# Notices

Federal Register

Vol. 52, No. 231

Wednesday, December 2, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## ACTION

### Schedule for Awarding Executive Service Performance Awards; Bonuses

AGENCY: Action.

ACTION: Notice.

**SUMMARY:** Notice is hereby given of the schedule for awarding Senior Executive Services Bonuses.

#### FOR FURTHER INFORMATION CONTACT:

Phyllis D. Beaulieu, Director of Personnel, ACTION, 806 Connecticut Avenue, NW., Washington, DC 20525.

#### SUPPLEMENTARY INFORMATION:

Office of Personnel Management Guidelines require that each agency publish a notice in the Federal Register of the agency's schedule for awarding Senior Executive Service Bonuses at least 14 days prior to the date on which the awards will be paid.

### Schedule for Awarding Senior Executive Service Bonuses:

ACTION intends to award Senior Executive Service Bonuses for the 1986-1987 rating cycle. Payouts will occur before December 31, 1987. Issued in Washington, DC on November 25, 1987.

Donna M. Alvarado,

Director, ACTION.

[FR Doc. 87-27645 Filed 12-1-87; 8:45 am]

BILLING CODE 6050-28-M

### Members of Performance Review Board

AGENCY: ACTION.

ACTION: Revision of list of Performance Review Board Positions.

**SUMMARY:** ACTION publishes the revised list of positions which comprise the Performance Review Board established by ACTION under the Civil Service Reform Act.

#### FOR FURTHER INFORMATION

**CONTACT:** Phyllis D. Beaulieu, Director of

Personnel, ACTION, 806 Connecticut Avenue, NW., Washington, DC 20525, (202) 634-9263.

**SUPPLEMENTARY INFORMATION:** The Civil Service Reform Act of 1978 (CSRA), which created the Senior Executive Service (SES), requires that each agency establish one or more performance review boards to review and evaluate the initial appraisal of a senior executive's performance by the supervisor and to make recommendations to the appointing authority concerning the performance of the senior executive.

The positions listed below will serve as members of the ACTION Performance Review Board:

1. Deputy Director, ACTION, Chairman.
2. Associate Director, Domestic and Anti-Poverty Operations.
3. Associate Director, Office of Management and Budget.
4. Executive Officer, Domestic and Anti-Poverty Operations.
5. General Counsel, ACTION.
6. Deputy General Counsel, ACTION.
7. Assistant Director for VISTA and Service Learning Programs.

Issued in Washington, DC on November 25, 1987.

Donna M. Alvarado,

Director, ACTION.

[FR Doc. 87-27646 Filed 12-1-87; 8:45 am]

BILLING CODE 6050-28-M

## DEPARTMENT OF AGRICULTURE

### Forms Under Review by Office of Management and Budget

November 27, 1987.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Ch. 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

- (1) Agency proposing the information collection;
- (2) Title of the information collection;
- (3) Form number(s), if applicable;
- (4) How often the information is requested;
- (5) Who will be required or asked to report;
- (6) An estimate of the number of responses;
- (7) An estimate of the total number of hours

needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404-W Admin. Bldg., Washington, DC 20250, (202) 447-2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

#### New

- Farmers Home Administration. 7 CFR 1956-C, Debt Settlement—Community and Business Programs. On occasion.

Individuals or households; State or local governments; Businesses or other for-profit; Non-profit institutions; Small businesses or organizations; 14 responses; 7 hours; not applicable under 3504(h) Jack Holston (202) 382-9736.

#### Revision

- Economic Research Service. Real Property Tax and Transfer Survey. Annually.

State or local governments; 3,100 responses; 3,650 hours; not applicable under 3504(h).

Gene Wunderlich, (202) 786-1425.

- Farmers Home Administration. Application for Settlement of Indebtedness.

FmHA 1956-1.

On occasion.

Individuals or households; Farms; Businesses or other for-profit; Non-profit institutions; Small business or organizations; 3,000 responses; 1,500 hours; not applicable under 3504(h).

Jack Holston, (202) 382-9736.  
 Larry K. Roberson,  
*Acting Departmental Clearance Officer.*  
 [FR Doc. 87-27634 Filed 12-1-87; 8:45 am]  
 BILLING CODE 3410-01-M

### National Commission on Dairy Policy Advisory Committee Meeting

Pursuant to provisions of section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), a notice is hereby given of the following committee meeting.

*Name:* National Commission on Dairy Policy.

*Time and Place:* 8:00 A.M. at the Sheraton National Hotel, Columbia Pike and Washington Blvd., Arlington, Virginia.

*Status:* Open.

*Matters to be Considered:* On December 7 and 8, the Commission will (1) review its preliminary conclusions with respect to technology price support levels, and regionalism and (2) discuss supply management proposals.

*Written Statements May be Filed Before Or After the Meeting With:* Contact person named below.

*Contact Person for More Information:* Mr. T. Jeffrey Lyon, Assistant Director, National Commission on Dairy Policy, 1401 New York Ave., NW., Suite 1100, Washington, DC 20005, (202) 638-6222.

Signed at Washington, DC, this 13th day of November 1987.

David R. Dyer,

*Executive Director, National Commission on Dairy Policy.*

[FR Doc. 87-27614 Filed 12-1-87; 8:45 am]

BILLING CODE 3410-05-M

### Agricultural Stabilization and Conservation Service

#### Commodity Credit Corporation

#### 1988-Crop Peanuts; National Poundage Quota and National Average Price Support Level for 1988-Crop Quota Peanuts

**AGENCY:** Agricultural Stabilization and Conservation Service and Commodity Credit Corporation, USDA.

**ACTION:** Notice of proposed determination.

**SUMMARY:** This notice sets forth proposed determinations for the national poundage quota and the national average price support level for the 1988 crop of quota peanuts.

These determinations are necessary to satisfy the statutory requirements of the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as "the

1938 Act"), and the Agricultural Act of 1949, as amended (hereinafter referred to as "the 1949 Act").

**DATE:** To be assured of consideration written comments must be received by December 9, 1987, as regards the proposed quota and by February 1, 1988, as regards the proposed support level.

**ADDRESS:** Send comments to Dr. Orval Kerchner, Acting Director, Commodity Analysis Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, DC 20013, (202) 447-3391. All written submissions will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in Room 3741-South Building, 14th and Independence Avenue, SW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Gypsy Banks, Agricultural Economist, Agricultural Stabilization and Conservation Service, USDA, Room 3732-South Building, P.O. Box 2415, Washington, DC 20013, (202) 447-5953. The preliminary regulatory impact analysis describing the impact of implementing this determination will be available on request from the above-named individual.

**SUPPLEMENTARY INFORMATION:** This notice has been reviewed under USDA procedures established to implement Executive Order 12291 and Departmental Regulation No. 1512-1 and has been classified "not major". The matters under consideration will not result in: (1) An annual effect on the economy of \$100 million or more, (2) a major increase in costs or prices for consumers, industries, Federal, State, or local governments or geographical regions, or (3) a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program that this final rule applies to are: Title—Commodity Loans and Purchases: Number 10.051, as found in the Catalog of Federal Domestic Assistance.

This program/activity is not subject to the provisions of Executive Order No. 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since ASCS is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of

proposed rulemaking with respect to the subject matter of this determination.

Section 1017 of the Food Security Act of 1985 provides that the Secretary of Agriculture shall determine the rate of loans, payments, and purchases under the 1949 Act for the 1986-90 crops of commodities without regard to the requirements for notice and public participation in rulemaking prescribed in section 553 of title 5 of the United States Code or in any directive of the Secretary of Agriculture.

The determination of the national poundage quota for the 1988-crop of peanuts is required to be made by the Secretary of Agriculture no later than December 15, 1987. In order to permit consideration of comments received and announcement of the final determination by that date, the comment period on this notice will close on December 7, 1987, as regards that determination. The determination of the national average support level for the 1988 crop of peanuts must be made by the Secretary not later than February 15, 1987. Comments concerning the support level must be received by February 1, 1988, to be assured of consideration.

Comments are requested with respect to the proposed determinations.

**A. National Poundage Quota.** Section 358(g)(1) of the 1938 Act requires that the national poundage quota for peanuts for each of the 1986 through 1990 marketing years shall be established by the Secretary at a level that is equal to the quantity of peanuts in tons that the Secretary estimates will be devoted in each such marketing year to domestic edible, seed, and related uses. Section 358 further provides that the national poundage quota for any such marketing year shall not be less than 1,100,000 short tons. The marketing year for the 1988 crop of peanuts runs from August 1, 1988 through July 31, 1989. Poundage quotas for the 1986-1990 crops of peanuts were approved by producers in a mail ballot held January 27-31, 1986.

It is proposed that the national quota for the marketing year for the 1988 crop shall be 1,402,200 tons based on the following data:

#### U.S. PEANUTS: ESTIMATED DOMESTIC EDIBLE USE FOR THE 1988-89 MARKETING YEAR

[Assumes "most likely" U.S. weather]

Item	Short tons
Domestic edible:	
Domestic food.....	1,082,000
On farm and local sales .....	14,000

U.S. PEANUTS: ESTIMATED DOMESTIC EDIBLE USE FOR THE 1988-89 MARKETING YEAR—Continued

[Assumes "most likely" U.S. weather]

Item	Short tons
Subtotal.....	1,096,000
Seed.....	89,000
Related use:	
Crushing residual.....	136,700
Shrinkage.....	47,900
Seg. 2 and 3 transfers.....	20,700
Product exports.....	1,900
Subtotal.....	207,200
Total.....	1,402,200

The domestic food use estimate is based on the data series published in the *Oil Crops Situation and Outlook*, Economic Research Service (ERS). Peanuts used to produce exported peanut butter are included in the domestic food use data series published by ERS. However, the domestic food use estimate set forth in the preceding table excludes the peanut equivalent of estimated U.S. exports of peanut butter because such products are not consumed in the U.S. because the domestic food data does not include farm use, local sales and shrinkage, estimates of these uses have been separately set out. The estimates for those uses were derived by comparing historical data showing the difference between total production and quantities of peanuts that were inspected. Those estimates were further refined by estimating, based on historical data, actual seed use. Seed use measures the quantity of peanuts expected to be needed to plant the succeeding (1989) crop.

The seeding rate for this estimate was derived from survey data. The crushing residual is the inedible portion of farmer stock peanuts separated from the edible kernels during milling. Shrinkage is the weight loss occurring between harvest and production of the product. Both the shrinkage and crushing residual estimates were derived from inspection data. Net exports of peanut products to Canada and Mexico were included in the calculation as such products cannot, under 7 CFR Part 1446, be produced from additional peanuts. Accordingly, such products presumably are made from quota peanuts. Also, an estimate was

added for the quantity of peanuts that would otherwise be eligible for use as quota peanuts but which will not qualify for such use due to quality problems. These peanuts are Segregation 2 and 3 peanuts.

**B. National Average Support Level for Quota Peanuts.** Section 108B(1)(B)(ii) of the 1949 Act provides that the national average support level for the 1988 crop of quota peanuts shall be the national average quota support rate for such peanuts for the preceding crop, adjusted to reflect any increase in the national average cost of peanut production, excluding any change in the cost of land, during the calendar year immediately preceding the marketing year for the crop for which a level of support is being determined. This section of the Act provides further that in no event shall the national average quota support rate for any such crop exceed by more than 6 per centum the national average quota support rate for the preceding crop.

Accordingly, the 1988 quota support level is required to be the 1987 quota support of \$607.47 per ton adjusted to reflect any such increase in the national average cost of peanut production in calendar year 1987, but may not exceed the 1987 quota support level by more than 6 per centum.

Cash expenses, capital replacement, net land rent and unpaid labor are the cost components used in this comparison. Because section 108B excludes any change in the cost of land, 1986 net land rent was substituted in the following table for 1987 net land rent. Based on these production cost components as estimated by the Economic Research Service (ERS), USDA, it is presently estimated that the national average cost of producing 1987-crop peanuts on a planted acre basis increased \$17.16 per planted acre.

Using a trend yield, planted acre costs have been converted to a cents per pound figure. A trend yield is used to reduce year-to-year per unit cost variability caused by abnormal weather and related factors. The national average cost of producing 1987 crop peanuts on a per pound basis is estimated to have increased \$0.0042 per pound or \$8.40 per ton. This notice proposes that the quota support level be increased by that amount. So increased, the support level would be \$615.87 per short ton. Details of the cost of production estimates are set out in the following table:

U.S. PEANUT PRODUCTION COSTS, 1986-87<sup>1</sup>

[Dollars per planted acre]

Item	1986	1987
Cash Receipts:		
Primary crop.....	\$638.05	\$605.09
Secondary Crop.....	14.95	15.40
Total.....	653.00	620.49
Cash expenses:		
Seed.....	65.34	82.39
Fertilizer.....	18.16	17.05
Lime and gypsum.....	14.93	14.02
Chemicals.....	91.71	89.88
Custom operations.....	7.52	7.41
Fuel, lube, and electricity.....	16.04	16.52
Repairs.....	17.93	18.14
Hired labor.....	7.84	8.23
Drying.....	34.08	35.49
Miscellaneous.....	0.19	0.20
Technical Services.....	0.91	0.94
Total, variable expenses.....	274.65	290.25
General farm overhead.....	27.17	27.98
Taxes and insurance.....	12.23	12.95
Interest.....	61.23	57.66
Total, fixed expenses.....	100.62	98.58
Total, cash expenses.....	375.28	388.83
Receipts less cash expenses.....	277.72	231.66
Capital replacement.....	50.23	52.55
Receipts less cash expenses and replacement.....	227.49	179.11
Economic (full ownership) costs:		
Variable expenses.....	274.65	290.25
General farm overhead.....	27.17	27.98
Taxes and insurance.....	12.23	12.95
Capital replacement.....	50.23	52.55
Allocated returns to owned inputs:		
Return to operating capital.....	6.08	5.84
Return to other nonland capital.....	9.33	9.76
Net land rent.....	87.91	85.81
Unpaid labor.....	26.24	27.53
Total, economic costs.....	493.84	512.66
Residual returns to management and risk.....	159.16	107.83
Cash expenses, capital replacement, and unpaid labor (dollars per planted acre).....	451.75	468.91
Net land rent.....	87.91	<sup>2</sup> 87.91
Total.....	539.66	556.82
Trend yield (pounds per planted acre).....	2,741.00	2,769.00
Cost (cents per pound).....	19.69	<sup>2</sup> 20.11

<sup>1</sup> Totals may not sum due to rounding.

<sup>2</sup> 1986 net land rent was substituted for the 1987 value because a legislative provision excludes any change in the value of land and does not specifically exclude land cost.

**Proposed Determination**

Accordingly, it is proposed for the 1988-crop peanuts that:

(1) The amount of the national poundage quota shall be 1,402,200 short tons.

(2) The national average price support level for quota peanuts shall be \$615.87 per short ton.

**Authority:** Section 358, 55 Stat. 88, as amended (7 U.S.C. 1358), and Section 108B, as amended, 99 Stat. 1439, (7 U.S.C. 1445c-2).

Signed at Washington, DC, on November 30, 1987.

**Milton Hertz,**

*Executive Vice President, Commodity Credit Corporation, and Administrator, Agricultural Stabilization and Conservation Service.*

[FR Doc. 87-27786 Filed 11-30-87; 3:09 pm]

BILLING CODE 3410-05-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### [Modification No. 1 to Permit No. 570]

#### National Marine Fisheries Service

Pursuant to the provisions of § 216.33 of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Parts 1341-1407), Permit No. 570 issued to Mr. Gerald G. Joyce on November 14, 1986 (51 FR 421227) is modified as follows:

Section A.2. is added:

2. No more than 200 minke whales (*Balaenoptera acutorostrata*) may be harassed while attempting to radio tag and track up to 18 minke whales.

Section B.6. is modified as follows:

2. The authority to take by harassment, tagging, and other activities authorized herein, shall extend from the date of issuance through December 31, 1988.

This modification became effective on November 24, 1987.

Documents submitted in connection with this Modification are available for review in the following offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1825 Connecticut Ave., Suite 805, Washington, DC; and

Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, NE., BIN C15700, Seattle, Washington 98115.

Date: November 24, 1987.

**Nancy Foster,**

*Director, Office of Protected Resources and Habitat Programs.*

[FR Doc. 87-27651 Filed 12-1-87; 8:45 am]

BILLING CODE 3510-22-M

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Deduction in Charges of Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Haiti

November 25, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, and the President's February 20, 1986 announcement of a Special Access Program for textile products assembled in participating Caribbean Basin beneficiary countries from fabric formed and cut in the United States, and pursuant to the requirements set forth in 51 FR 21208 (June 11, 1986) and 52 FR 26057 (July 10, 1987), has issued the directive published below to the Commissioner of Customs to be effective on December 3, 1987. For further information contact Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

#### Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to deduct charges made to the restraint limits established for Categories 337/637, 341/641 and 347/348 for the twelve-month period which began on January 1, 1987 and extends through December 31, 1987. Subsequently, these same amounts will be charged to the guaranteed access levels established for properly certified textile products in Categories 337/637, 341/641 and 347/348 which are assembled in Haiti from fabric formed and cut in the United States and exported from Haiti during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

#### Background

On January 13, 1987 a notice was published in the *Federal Register* (52 FR 1371) announcing import restraint limits for certain cotton and man-made fiber textile products, including Categories 337/637, 341/641 and 347/348, produced or manufactured in Haiti and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

A further notice was published in the *Federal Register* on February 27, 1987 (52 FR 6053) which announced guaranteed access levels for properly

certified textile products assembled in Haiti from fabric formed and cut in the United States, including products in Categories 337/637, 341/641 and 347/348.

Documentation has been provided to the U.S. Government establishing that additional goods in Categories 337/637, 341/641 and 347/348, which were charged to the designated consultation levels because of the unavailability of proper documentation (CBI Export Declaration (Form ITA-37OP)), were assembled exclusively from U.S. formed and cut fabric and qualified for entry under the guaranteed access levels. Based on this documentation, the U.S. Government has agreed to deduct these charges from the designated consultation levels for Categories 337/637, 341/641 and 347/348. Subsequently, charges will be made to the guaranteed access levels established for Categories 337/637, 341/641 and 347/348, in corresponding amounts.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

**James H. Babb,**

*Chairman, Committee for the Implementation of Textile Agreements.*

#### Committee for the Implementation of Textile Agreements

November 25, 1987.

Commissioner of Customs

*Department of the Treasury, Washington, DC 20229.*

Dear Mr. Commissioner: To facilitate implementation of the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement, effected by exchange of letters dated September 26 and 30, 1986, between the Governments of the United States and Haiti, I request that, effective on December 3, 1987 you deduct the following amounts from the charges made to the import restraint limits established in the directive of January 13, 1987 for Categories 337/637, 341/641 and 347/348, produced or manufactured in Haiti and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Category	Amount to be deducted
341.....	19,578 dozen.
348.....	6,908 dozen.
637.....	26,579 dozen.

This letter will be published in the **Federal Register**.

Sincerely,

James H. Babb,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 87-27667 Filed 12-1-87; 8:45 am]

BILLING CODE 3510-DR-M

# **Adjustment of a Limit, Deducts and Charges for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in India**

November 27, 1987.

The Chairman of the Committee for the Implementation of Textile Agreement (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on December 3, 1987. For further information contact Pamela Smith, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 343-6494. For information on embargoes and quota re-openings, please call (202) 377-3715.

## **Summary**

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to make certain deducts and charges and grant special carryforward to the current import restraint limit established for Group II. As a result, the limit for Group II, which is currently filled, will re-open.

## **Background**

A CITA directive dated April 7, 1987 (52 FR 11723) established import restraint limits for certain specified categories of cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products, including a limit for Group II Categories 300, 301, 311, 312, 314, 316, 317, 319, 320, 330-334, 345, 349-354, 359, 360-362, 369-O, 600-605, 630-635, 637-654, 659, 665pt., 666-670 and 831-859, as a group, produced or manufactured in India and exported during the agreement year which began on January 1, 1987 and extends through December 31, 1987.

The April 7, 1987 CITA directive is being amended separately to include Categories 610-627 and exclude Categories 353, 354, 653 and 654 and TSUSA number 360.2000 in Category 369-O in the Group II limit. The directive is amended in accordance with exchange of letters dated September 15, 1987, as amended, and October 16, 1987 between the Governments of the United States and India.

As a result of an error in the import charges, in the amount of 12,994,788 square yards equivalent, these charges are being deducted from the 1987 restraint limit for Group II. Additional corrections to charges are being made to Group II for Categories 301, 317, 319, 320, 360, 362, 369-O, 605, 665, 666, 670, 835, 836, 840, 842 and 859. In addition, special carryforward of 7,000,000 square yards equivalent is being granted for Group II.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

Adoption by the United States of the Harmonized Commodity Code (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustments to the limits affected by adoption of the HCC will be published in the **Federal Register**.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

*Chairman, Committee for the Implementation of Textile Agreements.*

## **Committee for the Implementation of Textile Agreements**

November 27, 1987.

Commissioner of Customs,

*Department of the Treasury, Washington, DC 20229*

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of April 7, 1987, issued to you by the Chairman of the Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced

or manufactured in India and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Effective on December 3, 1987, the directive of April 7, 1987 is amended to increase the restraint limit to 159,250,000 square yards equivalent<sup>1</sup> for Categories 300, 301, 311, 312, 314, 316, 317, 319, 320, 330-334, 345, 349-354, 359, 360-362, 369-O,<sup>2</sup> 600-605, 630-635, 637-654, 659, 665pt.,<sup>3</sup> 666-670 and 831-859, as a group (Group II), under the terms of the bilateral textile agreement of February 6, 1987.<sup>4</sup>

Also effective on December 3, 1987, you are directed to deduct 12,994,788 square yards equivalent from the charges made to the 1987 import restraint limit established in the April 7, 1987 directive for Group II.<sup>5</sup> In addition to the foregoing deduction, you are directed to also deduct the following charges made to Group II for the following categories:

Category	Amount to be deducted
301.....	30,954 pounds.
317.....	412,345 square yards.
319.....	787,341 square yards.
360.....	10,416 numbers.
369-O.....	43,564 pounds.
605.....	144 pounds.
666.....	3,102 pounds.
670.....	70 pounds.

Effective on December 3, 1987, you are directed to charge the following amounts to the current limit for Group II for the following categories:

Category	Amount to be charged
320.....	13,455 square yards.
362.....	1,662 numbers.
665.....	2,160 square feet.
835.....	3 dozen.
836.....	3 dozen.
840.....	300 dozen.
842.....	21 dozen.
859.....	1,276 pounds.

<sup>1</sup> The limit has not been adjusted to account for any imports exported after December 31, 1986.

<sup>2</sup> In Category 369-O, all TSUSA numbers except 360.7800, 361.5420 and 368.2840.

<sup>3</sup> In Category 665pt., all TSUSA numbers except 360.7800 and 361.5426.

<sup>4</sup> The agreement provides, in part, that (1) group and specific limits may be exceeded by designated percentages to account for swing, carryover and carryforward, and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

<sup>5</sup> Pursuant to the amendment to the agreement, effected by exchange of letters dated September 15, 1987, as amended, and October 16, 1987, other charges and deducts will be made to the limit for Group II categories. Categories 610-627 will be added to Group II with the respective charges. Categories 353, 354, 653, 854 and TSUSA number 360.2000 in Category 369-O will be deleted with responding deductions.

The foregoing deductions and charges for Group II are for goods imported during the period of January 1, 1987 through April 12, 1987.

This letter will be published in the *Federal Register*.

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-27668 Filed 11-27-87; 2:37 pm]

BILLING CODE 3510-DR-M

### Adjustment of Import Limits of Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in India

November 27, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on November 27, 1987. For further information contact Pamela Smith, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 343-6494. For information on embargoes and quota re-openings, please call (202) 377-3715.

#### Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the limits previously established for cotton and man-made fiber textile products in Categories 310/318, 335, 336/636, 337, 341, 363, 640, 641 and 642, produced or manufactured in India and exported during the period which began on January 1, 1987 and extends through December 31, 1987.

#### Background

A CITA directive dated April 7, 1987 (52 FR 11723) established import limits for certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, including Categories 310/318, 335, 336/636, 337, 341, 363, 640, 641 and 642, produced or manufactured in India and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

The Bilateral Textile Agreement of February 6, 1987 between the Governments of the United States and India provides, among other things, for

the carryover of shortfalls in certain categories from the previous agreement year. Carryover is being applied to the current year limits for Categories 310/318, 335, 336/636, 337, 341, 363, 641 and 642 and carryforward is being applied to Categories 640, 641 and 642. Categories 640, 641 and 642 remain subject to the Group II limit.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27008) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

Adoption by the United States of the Harmonized Commodity Code (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustments to the limits affected by adoption of the HCC will be published in the *Federal Register*.

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 27, 1987.

Commissioner of Customs,  
Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on April 7, 1987 by the Chairman of the Committee for the Implementation of Textile Agreements concerning certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in India and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Effective on November 27, 1987, the directive of April 7, 1987 is hereby amended to adjust the previously established restraint limits for the following categories, under the terms of the Bilateral Textile Agreement of February 6, 1987<sup>1</sup>:

Category	Adjusted 12-mo limit <sup>1</sup>
310/318 ...	5,359,890 square yards.
335 .....	137,023 dozen.
336/636 ...	490,355 dozen.
337 .....	74,912 dozen.
341 .....	2,839,655 dozen.
363 .....	15,174,528 numbers.
640 .....	132,500 dozen.
641 .....	791,773 dozen.
642 .....	236,835 dozen.

<sup>1</sup> The limits have not been adjusted to account for any imports exported after December 31, 1986.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-27669 Filed 11-27-87; 2:37 pm]

BILLING CODE 3510-DR-M

### Amendment to the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement with India

November 27, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on December 3, 1987. For further information contact Pamela Smith, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

#### Background

The Governments of the United States and India have reached agreement, effected by exchange of letters dated September 15, 1987 and October 16, 1987, to amend the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement of February 6, 1987 to exclude cotton and man-made fiber textile products in Categories 353, 354, 653, 654 and handmade chenille rugs in Category 369 from Group II and to include in Group II man-made fiber textile products in Categories 610-627.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on

<sup>1</sup> The agreement provides, in part, that (1) group and specific limits may be exceeded by designated percentages to account for swing, carryover and carryforward, and (2) administrative arrangements

or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

Adoption by the United States of the Harmonized Commodity Code (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustments to the limits affected by adoption of the HCC will be published in the Federal Register.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

#### Committee for the Implementation of Textile Agreements

November 27, 1987.

Commissioner of Customs,  
Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on April 7, 1987 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in India and exported to the United States during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Effective on December 3, 1987, the directive of April 7, 1987 is hereby amended to exclude cotton and man-made fiber textile products in Categories 353, 354, 653, 654 and TSUSA number 360.2000 in Category 369-0<sup>1</sup>, from the Group II limit established for Categories 300, 301, 311, 312, 314, 316, 317, 319, 320, 330-334, 345, 349-359, 360-362, 369-0, 600-605, 630-635, 637-659, 665pt.<sup>2</sup>, 666-670 and 831-859, as a group, produced or manufactured in India and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987. There are no imports in Categories 353, 354, 653 and 654 for the period January 1, 1987 through October 10, 1987. You are directed to deduct 311.195 pounds for TSUSA number 360.2000 in Category 369-0 from charges made to the limit established for Group II, for 1987 exports which were imported through August 31, 1987.

Also effective on December 3, 1987, the April 7, 1987 directive is further amended to include man-made fiber textile products in

Categories 610-627 in the 1987 limit previously established for Group II.

In addition, you are directed to charge the following amounts for Categories 610, 611, 612, 613, 614, 625, 626 and 627 to the 1987 import restraint limit established for Group II. These charges are for goods imported during the period January 1, 1987 through August 31, 1987.

Category	Amount to be charged
610.....	130,838 square yards.
611.....	68,337 square yards.
612.....	113,444 square yards.
613.....	-0-
614.....	67,565 square yards.
625.....	2,050 pounds.
626.....	417 square yards.
627.....	43,313 pounds.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provision of 5 U.S.C. 533(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-27674 Filed 11-27-87; 2:39 pm]

BILLING CODE 3510-DR-M

#### Deduction in Charges of Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Jamaica

November 25, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, and the President's February 20, 1986 announcement of a Special Access Program for textile products assembled in participating Caribbean Basin beneficiary countries from fabric formed and cut in the United States, pursuant to the requirements set forth in 51 FR 21208 (June 11, 1986) and 52 FR 26057 (July 10, 1987), has issued the directive published below to the Commissioner of Customs to be effective on December 3, 1987. For further information contact Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

#### Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to deduct charges made to the restraint

limits established for Categories 338/339/638/639 and 347/348/647/648 for the period which began on September 1, 1986 and extends through December 31, 1987. Subsequently, these same amounts will be charged to the guaranteed access levels established for properly certified textile products in Categories 338/339/638/639 and 347/348/647/648 which are assembled in Jamaica from fabric formed and cut in the United States and exported from Jamaica during this same sixteen-month period.

#### Background

On April 1, 1987 a notice was published in the Federal Register (52 FR 10398) announcing import restraint limits for certain cotton and man-made fiber textile products in Categories 338/339/638/639 and 347/348/647/648, produced or manufactured in Jamaica and exported during the sixteen-month period which began on September 1, 1986 and extends through December 31, 1987. This notice also announced guaranteed access levels for products in the foregoing categories which are properly certified textile products assembled in Jamaica from fabric formed and cut in the United States.

Documentation has been provided to the U.S. Government establishing that additional goods in Categories 338/339/638/639 and 347/348/647/648, which were charged to the designated consultation levels because of the unavailability of proper documentation (CBI Export Declaration (Form ITA-370P)), were assembled exclusively from U.S. formed and cut fabric and qualified for entry under the guaranteed access levels. Based on this documentation, the U.S. Government has agreed to deduct these charges from the designated consultation levels for Categories 338/339/638/639 and 347/348/647/648. Subsequently, charges will be made to the guaranteed access levels established for Categories 338/339/638/639 and 347/348/647/648, in corresponding amounts.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the

<sup>1</sup> In Category 369-0, all TSUSA numbers except 360.7600, 361.5420 and 366.2840.

<sup>2</sup> In Category 665pt., all TSUSA numbers except 360.7600 and 361.5420.

**Tariff Schedules of the United States Annotated (1987).**

**James H. Babb,**

*Chairman, Committee for the Implementation of Textile Agreements.*

**Committee for the Implementation of Textile Agreements**

November 25, 1987.

Commissioner of Customs,  
Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: To facilitate implementation of the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement of August 27, 1986, as amended, between the Governments of the United States and Jamaica, I request that, effective on December 3, 1987, you deduct the following amounts from the charges made to the import restraint limits established in the directive of March 27, 1987 for cotton and man-made fiber textile products, produced or manufactured in Jamaica and exported during the sixteen-month period which began on September 1, 1986 and extends through December 31, 1987.

Category	Amount to be deducted
347 .....	1,380 dozen.
348 .....	357 dozen.
639 .....	4,968 dozen.
648 .....	7,571 dozen.

This letter will be published in the **Federal Register**.

Sincerely,

**James H. Babb,**

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 87-27670 Filed 12-1-87; 8:45 am]

BILLING CODE 3510-DR-M

**Adjustment of Import Limits for Certain Cotton Textile Products Produced or Manufactured in Pakistan**

November 25, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on December 3, 1987. For further information contact Pamela Smith, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 343-6498. For information on embargoes and quota re-openings, please call (202) 377-3715.

**Summary**

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements

directs the Commissioner of Customs to increase the previously established restraint limit for cotton textile products in Category 313, produced or manufactured in Pakistan and exported during 1987.

**Background**

A CITA directive dated July 24, 1987 (52 FR 28325) established import restraint limits for certain cotton and man-made fiber textile products, including Categories 313 and 315, produced or manufactured in Pakistan and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Under the terms of the Bilateral Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement, effected by exchange of notes dated May 20, 1987 and June 11, 1987, and at the request of the Government of Pakistan, the limit for Category 313 is being increased by application of swing. The limit for Category 315 is being reduced to account for swing applied to Category 313.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

Adoption by the United States of the Harmonized Commodity Code (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustments to the limits affected by adoption of the HCC will be published in the **Federal Register**.

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

**James H. Babb,**

*Chairman, Committee for the Implementation of Textile Agreements.*

**Committee for the Implementation of Textile Agreements**

November 25, 1987.

Commissioner of Customs  
Department of the Treasury, Washington, DC 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel the directive of July 24, 1987, concerning imports into the United States of certain cotton and man-made fiber textile products, produced or manufactured in Pakistan and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Effective on December 3, 1987, the directive of July 24, 1987 is hereby further amended to include adjustments to the previously established restraint limits for cotton textile products in the following categories, as provided under the terms of the bilateral agreement, effected by exchange of notes dated May 20, 1987 and June 11, 1987<sup>1</sup>:

Category	Adjusted 12-month limit <sup>1</sup>
313 .....	68,480,000 square yards.
315 .....	40,726,580 square yards.

<sup>1</sup> The limits have not been adjusted to account for any imports exported after December 31, 1986.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

**James H. Babb,**

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 87-27671 Filed 12-1-87; 8:45 am]

BILLING CODE 3510-DR-M

**Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Turkey**

November 25, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on December 4, 1987. For further information contact Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each

<sup>1</sup> The agreement provides, in part, that (1) specific limits may be exceeded by designated percentages, provided that the amount of increase is compensated by an equivalent square yard decrease in another specific limit within the same group; (2) the specific limits for categories may be increased by designated percentages for carryover or carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

Customs port or call (202) 343-6582. For information on embargoes and quota re-openings, please call (202) 377-3715.

#### Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the 1987 limit for cotton textile products in Category 313, produced or manufactured in Turkey and exported to the United States. As a result, the limit for Category 313, which is currently filled, will re-open.

#### Background

CITA directives dated December 10, 1986 and April 3, 1987 (51 FR 45031 and 52 FR 11307) established import restraint limits for certain cotton and man-made fiber textile products, including Categories 313 and 605-H, respectively, produced or manufactured in Turkey and exported during the periods which began, in the case of Category 313, on January 1, 1987 and extends through December 31, 1987; and, in the case of Category 605-H, on November 1, 1986 and extended through June 30, 1987.

Under the terms of the Bilateral Cotton and Man-Made Fiber Textile Agreement of October 15, 1985, as amended and extended, and at the request of the Government of Turkey, the current limit for Category 313 is being increased by application of swing. The limit for Category 605-H, for the period November 1, 1986 through June 30, 1987, is being reduced to account for the swing applied to Category 313.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983, (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

Adoption by the United States of the Harmonized Commodity Code (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustments to the limits affected by adoption of the HCC will be published in the *Federal Register*.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of

the provision of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

*Chairman, Committee for the Implementation of Textile Agreements.*

**Committee for the Implementation of Textile Agreements**

November 25, 1987.

Commissioner of Customs,

*Department of the Treasury, Washington, DC 20229*

Dear Mr. Commissioner: This directive amends, but does not cancel, the directives of December 10, 1986, and April 3, 1987, concerning imports into the United States of certain cotton and man-made fiber textile products, produced or manufactured in Turkey and exported during the periods which began, in the case of Category 313, on January 1, 1987 and extends through December 31, 1987; and, in the case of Category 605-H<sup>1</sup>, on November 1, 1986 and extended through June 30, 1987.

Effective on December 4, 1987, the directives of December 10, 1986 and April 3, 1987 are amended to include the following adjustments to the previously established restraint limits for cotton and man-made fiber textile products in the following categories, as provided under the terms of the bilateral agreement of October 15, 1985, as amended and extended<sup>2</sup>:

Category	Adjusted limit <sup>1</sup>
313 .....	18,681,447 square yards.
605-H .....	501,798 pounds.

<sup>1</sup> The limits have not been adjusted to account for imports exported after October 31, 1986 for Category 605-H and December 31, 1986 for Category 313.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 87-27672 Filed 12-1-87; 8:45 am]

BILLING CODE 3510-DR-M

<sup>1</sup> In Category 605-H, only TSUSA numbers 310.9310 and 310.9320.

<sup>2</sup> The provisions of the bilateral agreement provide, in part, that: (1) specific limits may be increased by 7 percent swing during and agreement period, in this case only 4.8 percent has been requested, and (2) specific limits may be increased by carryover and carryforward up to 11 percent of which carryforward shall not constitute more than 6 percent of the applicable category limit.

#### Permitting Entry of Certain Textile and Apparel Shipments Exported From Malaysia

November 25, 1987.

#### FOR FURTHER INFORMATION CONTACT:

Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

The purpose of this notice is to advise the public that a CITA directive dated October 23, 1987 was issued to the Commissioner of Customs which directed him to permit entry or withdrawal from warehouse for consumption in the United States of commercial shipments exported from Malaysia on or after September 1, 1987 and extending through November 30, 1987 which are accompanied by a valid visa stamped either on the original commercial invoice or a former Customs Form 5515. Good shipped after November 30, 1987 will be denied entry if not accompanied by a valid visa stamped on the original commercial invoice.

James H. Babb,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 87-27673 Filed 12-1-87; 8:45 am]

BILLING CODE 3510-DR-M

#### DEPARTMENT OF DEFENSE

##### Office of the Secretary

##### Public Information Collection Requirement Submitted to OMB for Review

**SUMMARY:** The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for the and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

#### Extension

Request for Visit Authorization, DD Form 1823/1823C.

Foreign governments make requests for authorized representatives to visit U.S. defense activities and contractors. The visit request is used to correspond with the place visited, to coordinate the release of information to satisfy the visit purpose, to receive security assurances, and to receive assurances that the visit has official sponsorship.

Foreign Embassies.

Responses 40,000.

Burden Hours 12,000.

**ADDRESSES:** Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mrs. Pearl Rascoe-Harrison, DoD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, telephone (202) 746-0933.

**SUPPLEMENTARY INFORMATION:** A copy of the information collection proposal may be obtained from Mrs. Pearl Rascoe-Harrison, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, telephone (202) 746-0933.

Linda Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

November 25, 1987.

[FR Doc. 87-27638 Filed 12-1-87; 8:45 am]

BILLING CODE 3810-01-M

### Public Information Collection Requirement Submitted to OMB for Review

**SUMMARY:** Under the provisions of the Paperwork Reduction Act (44 U.S.C. Ch. 35), the Department of Defense has submitted to OMB for approval a request for an extension of a currently approved collection of information. The request contains the following information: (1) Type of submission; (2) title of information collection and form number if applicable; (3) abstract statement of the need for and the uses to be made of the information collected; (4) type of respondent; (5) an estimate of the number of responses; (6) an estimate of the total number of hours needed to provide the information; (7) to whom comments regarding the information collection are to be forwarded; and (8) the point of contact from whom a copy of the extension request may be obtained.

### Extension

0704-0167.

Report from Employer, School, Personal References.

Form is used by recruiters to request reference reports on applicants for

enlistment in the Armed Forces. Information requested is necessary to determine eligibility for enlistment. Former and current employers, school attendant personal reference; 460,720 responses; 76,787 hours.

**ADDRESSES:** Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3225, New Executive Office Building, Washington, DC 20503, telephone (202) 395-4814; and Mrs. Pearl Rascoe-Harrison, DoD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, telephone (202) 746-0933.

**FOR FURTHER INFORMATION CONTACT:** A copy of the information collection proposal may be obtained from Mrs. Pearl Rascoe-Harrison, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, telephone (202) 746-0933.

This information collection will be administered by DoD personnel and is not for contract.

Linda Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

November 25, 1987.

[FR Doc. 87-27639 Filed 12-1-87; 8:45 am]

BILLING CODE 3810-01-M

### Department of the Navy

### Privacy Act of 1974; Three Amended Systems of Records

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Notice of three amended systems of records subject to the Privacy Act.

**SUMMARY:** The Department of the Navy proposes to amend three systems of records in its inventory of record systems subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a).

**DATES:** This proposed action will be effective without further notice January 4, 1988, unless comments are received which would result in a contrary determination.

**ADDRESS:** Send any comments to Mrs. Gwen Aitken, Head, PA/FOIA Branch, Office of the Chief of Naval Operations (OP-09B30), Department of the Navy, The Pentagon, Washington, DC 20350-2000, telephone: 202-697-1459, autovon: 227-1459.

**SUPPLEMENTARY INFORMATION:** The Department of the Navy systems of records notices subject to the Privacy Act of 1974 have been published in the *Federal Register* as follows:

FR Doc 86-8485 (51 FR 12908) April 16, 1986

FR Doc 86-10763 (51 FR 18086) May 16, 1986 (Compilation)

FR Doc 86-12448 (51 FR 19884) June 3, 1986

FR Doc 86-19207 (51 FR 30377) August 26, 1986

FR Doc 86-19208 (51 FR 30393) August 26, 1986

FR Doc 86-28835 (51 FR 45931) December 23, 1986

FR Doc 87-1144 (51 FR 2147) January 20, 1987

FR Doc 87-1145 (52 FR 2149) January 20, 1987

FR Doc 87-5783 (52 FR 8500) March 18, 1987

FR Doc 87-9686 (52 FR 15530) April 29, 1987

FR Doc 87-13560 (52 FR 22671) June 15, 1987

The proposed amendments are not within the purview of the provision of 5 U.S.C. 552a(o) which requires the submission of an altered systems report.

The specific changes to the record systems being amended are set forth below followed by the system notices, as amended, published in their entirety.

November 27, 1987.

Linda Bynum,

Alternate Federal Register Liaison Officer, Department of Defense.

N04066-1

System name:

Bad Checks and Indebtedness Lists (51 FR 18134) May 16, 1986.

Changes:

System Location:

In line 4, after the word " \* \* \* Exchanges," add a period. Delete the next sentence and substitute with: "Addresses for Commissary Stores are listed in the directory of the Department of the Navy mailing addresses."

Authority for maintenance of the system:

Delete the phrase: " \* \* \* 10 U.S.C. 5031," and substitute with " \* \* \* 10 U.S.C. 6011."

Add a new entry as follows:

Disclosure to Consumer Reporting Agencies:

Disclosure may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

*Retention and disposal:*

Delete the phrase: " \* \* \* four years \* \* \* " and substitute with " \* \* \* six years \* \* \* "

*System Manager(s) and Addresses:*

At the end of the entry, add the following: " \* \* \* (for Navy exchanges). For commissary stores, the Commanding Officer or Officer in Charge of the activity in question. (See Directory of the Department of the Navy mailing addresses).

**N06150-1***System name:*

Medical Department Professional/Technical Personnel Development (51 FR 18185) May 16, 1986.

*Changes:**Categories of individuals covered by the system:*

In line 12, after the phrase: " \* \* \* civilian physicians \* \* \* " add the phrase: " \* \* \* employed by the Navy \* \* \* "

*Categories of records in the system:*

Delete the entire entry, and substitute with the following: "Personnel records, including demographic, medical, and personal data, records of disciplinary, administrative, and credentialing, and punitive actions, curricula vital of both active-duty and civilian lecturers/consultants."

*Purpose:*

Delete the entire entry and substitute with the following: "To manage the Naval Medical Command's management of health care personnel, including education and training activities; procurement; assignments planning; professional/specialty/technical training; credentialing; promotional decisions; career development planning; evaluation of candidates for position of lecturer/consultant; mobilization, planning, and verification of reserve service; surgical team contingency planning."

*Routine uses of records maintained in the system, including categories of users and the purposes of such uses:*

Delete paragraph 1 and substitute with the following: "Information of adverse actions, including administrative or disciplinary actions or revocations of health care providers' clinical credentials may be disseminated to the various federal and state licensure boards, professional regulating bodies, and appropriate military and civilian organizations and facilities."

**N06150-2***System name:*

Health Care Treatment Record System (51 FR 18186) May 16, 1986.

*Changes:**System location:*

Delete the entire entry and substitute with the following: "Military health (medical) treatment records are retained at the member's medical treatment facility, (mailing addresses are listed in the Navy Directory in the appendix to the Navy systems notices); National Personnel Records Center, 9700 Page Avenue, St. Louis, Missouri 64132; Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, Louisiana 70149; Marine Corps Reserve Support Center, 10950 El Monte, Overland Park, Kansas 66211; Naval Medical Command, Navy Department, Washington, DC 20372-5120; or Headquarters, U.S. Marine Corps, Navy Department, Washington, DC 20380.

Military health (dental) treatment records are retained at the member's dental treatment facility, (mailing addresses are listed in the Navy Directory in the appendix to the Navy's systems notices); National Personnel Records Center, 9700 Page Avenue, St. Louis, Missouri 64132; Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, Louisiana 70149; Marine Corps Reserve Support Center, 10950 El Monte, Overland Park, Kansas 66211; Naval Medical Command, Navy Department, Washington, DC 20372-5120; or Headquarters, U.S. Marine Corps, Navy Department, Washington, DC 20380.

Inpatient (clinical) treatment records are maintained for every individual receiving care in a Navy medical treatment facility and are retained at the originating Navy medical treatment facility, (mailing addresses are listed in the Navy Directory in the appendix to the Navy's systems notices); Veterans Administration Hospitals; other medical treatment facilities; National Personnel Records Center (Military Personnel Records), 9700 Page Avenue, St. Louis, Missouri 63132; National Personnel Records Center (Civilian Personnel Records), 111 Winnebago Street, St. Louis, Missouri 63118; Medical Director, American Red Cross, Washington, DC 20026; or Naval Medical Command, Navy Department, Washington, DC 20372-5120.

Outpatient health (medical) treatment records are maintained for all patients (except active duty military) who receive outpatient treatment at Navy medical treatment facilities and are

retained at Navy medical treatment facilities, (mailing addresses are listed in the Navy Directory to the appendix to the Navy's systems notices); National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, Missouri 63132; National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, Missouri 63118; Medical Director, American Red Cross, Washington, DC 20026; or Naval Medical Command, Navy Department, Washington, DC 20372-5120.

Outpatient health (dental) treatment records are maintained for all patients (except active duty military) who receive outpatient treatment at Navy dental treatment facilities and are retained at Navy dental treatment facilities, (mailing addresses are listed in the Navy Directory to the appendix in the Navy's systems notices); National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, Missouri 63132; National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, Missouri 63118; Medical Director, American Red Cross, Washington, DC 20026; or Naval Medical Command, Navy Department, Washington, DC 20372-5120.

Secondary treatment records may be maintained separately from the primary medical record at the medical treatment facility where the record is opened. They will eventually be joined with the primary treatment record.

Subsidiary record files of the health care treatment record system are either maintained by individual departments within medical or dental treatment facilities or located at Naval Medical Data Services Center, Bethesda, Maryland; Regional Data Service Centers; Naval Environmental Health Center, Norfolk, Virginia; and other approved locations for conducting research studies."

*Categories of individuals covered by the system:*

Delete the entire entry and substitute with the following: "Navy and Marine Corps personnel, other military personnel, dependents, retired military personnel and dependents, civilian employees, Red Cross personnel, foreign personnel, VA beneficiaries, humanitarian, patients, and all other individuals who receive treatment at a Navy medical or dental treatment facility."

Navy (military and civilian) personnel exposed to occupational/environmental hazards."

#### *Categories of records in the system:*

Delete the entire entry, and substitute with the following: "Military health (medical and dental) treatment records and the outpatient treatment records contain a multiplicity of prescribed forms documenting health evaluations, medical, mental, or dental care and treatment as an outpatient. The records contain medical history; physical, dental and mental examinations and evaluations; consultations; inoculations; outpatient treatment including laboratory and x-ray examinations; summaries of periods of hospitalization; reports of exposure to environmental and radiation hazards, including periodic and total lifetime accumulated exposure to radiation; results of special diagnostics and clinical studies; reports of medical boards; and recommendations regarding requests for waivers of established physical standards.

Inpatient (clinical) treatment records contain a multiplicity of prescribed forms documenting health evaluations, medical, mental, or dental care and treatment as an inpatient. The records contain medical history; physical, dental and mental examinations and evaluations; consultations; inpatient treatment including surgical procedures, drug treatment, dietary treatment, x-ray and laboratory examinations, nursing notes, physical therapy notes, and other specialty care applicable to the medical diagnosis or conditions found.

The records also contain patient's demographic data, family health history data, length of inpatient stays, discharge summaries, and disease nomenclature. Documentation of health history, diagnosis, care, and treatment provided, and the recording thereof conform with the standards prescribed by the Joint Commission on Accreditation of Hospitals.

Secondary treatment records contain treatment information of a sensitive nature that may be harmful if released directly to the patient.

In addition to, and based on individual primary or secondary treatment records, subsidiary records are maintained. They may contain copies of documents that are maintained in the primary or secondary treatment record with supporting documentation or they may be based on the treatment records. Examples are: X-ray files; electroencephalogram tracings files; laboratory files; pharmacy files; social work case files; alcohol rehabilitation files; psychiatric or psychology case files, including psychology files documenting the clinical psychological evaluation of individuals for suitability

for certain assignments; nursing care plans; medication and treatment cards, stat/daily orders; patient intake and output forms; ward reports; day books; nursing service reports; pathology and clinical laboratory reports; tumor registries; autopsy reports; laboratory information system (LABIS); blood transfusion reaction records; blood donor and blood donor center records; pharmacy records; surgery records, and vision records and reports; communicable disease case files, statistics, and reports; occupational health, industrial, and environmental control records, statistics, and reports, including data concerning periodic and total lifetime accumulated exposure to occupational/environmental hazards; emergency room and sick call logs; family advocacy case files, statistics, reports, and registers; psychiatric workload statistics and unit evaluations; gynecology malignancy data.

Aviation physical examinations and evaluation case files contain medical records documenting fitness for admission or retention in aviation programs.

Marine Security Guard Battalion psychological examination, evaluation, and treatment case files contain medical records documenting suitability for assignment as Embassy Guards."

#### *Authority for Maintenance of the System:*

At the end of the entry, add the following: " \* \* \* and Title 10, CFR Part 20, Standards for Protection Against Radiation."

#### *Purpose:*

Delete the entire entry and substitute with the following: "This system is used by officials and employees of the Department of the Navy (and members of the National Red Cross in Navy medical treatment facilities) in the performance of their official duties relating to the health and medical treatment of Navy and Marine Corps individuals; physical and psychological qualifications and suitability of candidates for various programs; personnel assignment; dental readiness; claims and appeals before the Council of Personnel Boards and the Board for Correction of Naval Records; members' physical fitness for continued naval service; litigation involving medical care provided those categories of individuals covered by this record system; performance of research studies and compilation of statistical data; implementation of preventative medicine programs and occupational health surveillance programs; implementation of communicable

disease control programs; and management of the Naval Medical Command's radiation program and to report data concerning individuals' exposure to radiation.

This system is used by officials and employees of other components of the Department of Defense in the performance of their official duties relating to the health and medical treatment of those individuals covered by this record system; physical and psychological qualifications and suitability of candidates for various programs; and the performance of research studies and the compilation of medical data."

#### *Routine uses of records maintained in the system, including categories of users and the purposes of such uses:*

In paragraph 5, after the last sentence, add the following: " \* \* \* To release radiation data pursuant to 10 CFR Part 20."

In paragraph 6, line 5 after the phrase: " \* \* \* as necessary.", delete the rest of the entry and substitute with the following: "Note: Records of identity, diagnosis, prognosis or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, requested, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided herein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 21 U.S.C. 1175 and 42 U.S.C. 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. "Blanket Routine Uses" do not apply to these records."

#### *Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:*

##### *Storage:*

Delete the entire entry and substitute with the following: "Primary, secondary, on-site, and subsidiary medical treatment records are stored in file folders, microform, on magnetic tape, punched cards, machine listings, discs, and other computerized or machine readable media."

##### *Retrievability:*

Delete the entire entry and substitute with the following: "Military health (medical and dental) treatment records, both primary and secondary records, are

filed and maintained by the last 4 digits of the military member's SSN, the member's last name, or the member's SSN. A locator file cross-references the patient's name with the location of his/her record.

Inpatient (clinical) treatment records, both primary and secondary records, are filed and maintained by the last 4 digits of the sponsor's SSN or a register number. A manual or automatic register of patients is kept at each Navy medical treatment facility. The location of the file can be determined by a seven-digit register number or the patient's name.

Outpatient (medical and dental) treatment records, both primary and secondary records, are filed and maintained by the sponsor's SSN or date of birth and relation to the sponsor. A locator file cross-references the patient's name with the location of his/her record.

Treatment records retired to a Federal Records Center prior to 1971 are retrieved by the name and service number or file number. After that date, records are retrieved by name and social security number.

Aviation medical records are filed and maintained by SSN and name.

Marine Security Guard Battalion psychological examination, evaluation, and treatment case files contain medical records documenting fitness for assignment as Embassy Guards and are filed and maintained by SSN and name.

Subsidiary health care records may or may not be identified by patient identifier. When they are, they may be retrieved by name and SSN."

#### *Retention and Disposal:*

Delete the entire entry and substitute with the following: "Military health (medical and dental) treatment records, both primary and secondary records, are transferred with the member upon permanent change of duty station to his/her new duty station. These records are retired to the National Personnel Records Center, 9700 Page Avenue, St. Louis, Missouri 63132."

Inpatient (clinical) treatment records, both primary and secondary records, are transferred to the National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, Missouri 63132 or to the National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, Missouri, two years after the calendar year of the last date of treatment.

Outpatient (medical and dental) treatment records, both primary and secondary records, are transferred to the National Personnel Records Center, (Military Personnel Records), 9700 Page

Avenue, St. Louis, Missouri 63132 or to the National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, Missouri, two years after the calendar year of the last date of treatment.

X-ray files are retained on-site and destroyed three years after the last x-ray in the file, with the exception of asbestos x-rays, which are retained indefinitely.

Subsidiary treatment records are retained separately from the primary or secondary treatment record and retired in accordance with SECNAVINST 5212.5 series.

Aviation medical records are retained on board and destroyed when 30 years old.

Marine Security Guard Battalion psychological examination, evaluation, and treatment case files containing medical records documenting fitness for assignment as Embassy Guards are retained on board and destroyed after 50 years.

Clinical psychology case files documenting suitability for special assignment will be retained at the originating medical treatment facility and destroyed when 50 years old.

Radiation exposure records for personnel exceeding exposure limits are retained at COMNAVMECOM 50 years, then destroyed.

#### *System Manager(s) and address:*

Delete the entire entry and substitute with the following: "Commander, Naval Medical Command, Navy Department, Washington, DC 20372-5120; Director, National Personnel Records Center, 9700 Page Avenue, St. Louis, Missouri 63132; Director, National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO; Commanding Officers and OIC's of Naval Medical Treatment Facilities; Commanding Officers of Naval Activities, Ships and Stations."

#### *Notification Procedure:*

Delete the entire entry and substitute with the following: "Active duty Navy and Marine Corps personnel and drilling members of the Navy and Marine Corps Reserves should address requests for records to the originating medical or dental treatment facility (mailing addresses are listed in the Navy Directory in the appendix to the Navy's systems notices).

Inactive Naval Reservists should address requests for information to the Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, Louisiana 70149-7800. Marine Reservist's should address requests for information to Marine Corps Reserve

Forces Administrative Activity, Class III, 1500 E. Bannister Road, Kansas City, Missouri 64131.

Former members who have no further reserve or active duty obligations should address requests for information to the Director, National Personnel Records Center (Military Personnel Records), 9700 Page Avenue, St. Louis, Missouri 63132.

All written requests should contain the full name and SSN of the individual, his/her signature, and in those cases where his/her period of service ended before 1971, his/her service or file number. In requesting records for personnel who served before 1964, information provided to the National Personnel Records Center should also include date and place of birth and dates of periods of active Naval service.

Active duty Navy and Marine Corps personnel including drilling members of the reserves may visit the medical department of the activity to which attached. Inactive Naval Reservists whose tour of active duty ended after 1 July 1972 may visit the Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, Louisiana. Marine Reservists whose tour of active duty ended after 1 July 1972 and who have a continual reserve obligation may visit the Marine Corps Reserve Forces Administration Activity, Class III, 1500 E. Bannister Road, Kansas City, Missouri. Former members with no further obligation and reservists whose tour of active duty ended prior to 1 July 1972 may visit the National Personnel Records Center, 9700 Page Avenue, St. Louis, MO. Proof of identification in the case of active duty, retired and reserve personnel will consist of the Armed Forces of the U.S. Identification Card or by other types of identification bearing picture and signature.

Requests for inpatient records within two years of inpatient stay should be addressed to the Commanding Officer of the medical treatment facility where the individual was treated.

Requests for inpatient records after two years after inpatient stay should be addressed to the Director, National Personnel Records Center, 111 Winnebago Street, St. Louis, Missouri 63118 or to the Director, National Personnel Records Center, 9700 Page Avenue, St. Louis, Missouri 63132.

Requests for subsidiary medical records should be addressed to the Commanding Officer of the originating medical or dental treatment center.

The following data should be provided: full name, social security number, status, date(s) of treatment or period of hospitalization, address at

time of medical treatment, and service number.

Full name, date, and place of birth, ID card or driver's license, or other identification to sufficiently identify the individual with the medical records held by the treatment facility must be presented.

**N04066-1**

**SYSTEM NAME:**

Bad Checks and Indebtedness Lists.

**SYSTEM LOCATION:**

Commander, Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, New York 10305 (for all Navy exchanges). Addresses for Commissary Stores are listed in the directory of the Department of the Navy mailing addresses.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Patrons of Navy exchanges and commissary stores who have passed checks which have proven bad; recruits who have open accounts with Navy exchanges; patrons who have made C.O.D. mail order transactions and those patrons who make authorized charge or credit purchases where their accounts are maintained on the basis of an identifying particular such as name, social security number or service number.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Bad Check System (including: Returned Check Ledger; Returned Check Report; copies of returned checks; bank advice relative to the returned check or checks; correspondence relative to attempt by the Navy exchange or commissary store to locate the patron and/or obtain payment; a printed report of names of those persons who have not made full restitution promptly, or who have had two or more checks returned through their own fault or negligence). Accounts Receivable Ledger, detailed by patron; COD Sales Ledger.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 and 10 U.S.C. 6011.

**PURPOSE(S):**

To record receipt of bad checks from patrons; to monitor and avoid undue losses because of continued passing of bad checks. To keep track of the correspondence issued in an effort to recover losses. The information in this system is issued to all cashiers, exchange and commissary officers. The Accounts Receivable Ledgers are used to properly record credit sales and the payment of these accounts.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation apply to this system.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Disclosure may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

The media in which these records are maintained vary, but include: magnetic tape; printed reports; file folders; file cards.

**RETRIEVABILITY:**

Name and social security number.

**SAFEGUARDS:**

Locked file cabinets; supervised office spaces; supervised computer tape library which is accessible only through the computer center (entry to the computer center is controlled by a combination lock known by authorized personnel only).

**RETENTION AND DISPOSAL:**

Records are kept for six years and then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Policy Official: Commander, Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, New York 10305.

Record Holder Director, Treasury Division (TD), Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, New York 10305 (for Navy exchanges). For commissary stores, the Commanding Officer or Officer in Charge of the activity in question. (See Directory of the Department of the Navy mailing addresses).

**NOTIFICATION PROCEDURE:**

Written contact may be made by addressing inquiries to: Commander, Navy Resale and Services Support Office, Fort Wadsworth, Staten Island, New York 10305.

In the initial inquiry, the requester must provide full name, social security number, and the activity where they had their dealings. A list of other offices the requester may visit will be provided after initial contact is made at the office listed above. At the time of a personal

visit, requesters must provide proof of identity containing the requester's signature.

**RECORD ACCESS PROCEDURES:**

The agency's rules for access to records may be obtained from the systems manager.

**CONTESTING RECORD PROCEDURES:**

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the systems manager.

**RECORD SOURCE CATEGORIES:**

The individual; the bank involved and the activity sales records.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

**N06150-1**

**SYSTEM NAME:**

Medical Department Professional/Technical Personnel Development.

**SYSTEM LOCATION:**

Naval Medical Command, Navy Department, Washington, DC 20372-5120; individual's duty station or reserve unit (see Directory of the Department of the Navy Mailing Addresses); Military Sealift Command, Navy Department, Washington, DC 20390; National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, Missouri 63132; National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago St., St. Louis, MO 63118; Naval Medical Command managed education and training activities (see Directory of Department of the Navy Mailing Addresses); various colleges and universities affiliated with COMNAVMECOM managed education and training activities.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Navy (military and civilian) health care personnel; applicants to student status in Navy Aerospace Medicine, Navy Aerospace Physiology and Navy Aerospace Experimental Psychology; Navy (military and civilian) personnel qualified as divers or involved in other professional/specialty/technical training; Navy (military and civilian) personnel exposed to occupational/environmental hazards; distinguished/noted civilian physicians employed by the Navy in capacity of lecturer/consultant.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Personnel records, including demographic, medical, and personal data, records of disciplinary, administrative, and credentialing, and punitive actions, curricula vitae of both active-duty and civilian lecturers/consultants.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title 10, U.S.C.; 5 U.S.C. 301; Title 10, CFR Part 20, Standards for Protection Against Radiation.

**PURPOSE(S):**

To manage the Naval Medical Command's management of health care personnel, including education and training activities; procurement; assignments planning; professional/specialty/technical training; credentialing; promotional decisions; career development planning; evaluation of candidates for position of lecturer/consultant; mobilization, planning, and verification of reserve service; surgical team contingency planning.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information of adverse actions, including administrative or disciplinary actions or revocations of health care providers' clinical credentials may be disseminated to the various federal and state licensure boards, professional regulating bodies, and appropriate military and civilian organizations and facilities.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Automated records stored on disc, tape, punched cards, and machine listings. Manual records stored in card files and folders in filing cabinets.

**RETRIEVABILITY:**

Manual records retrieved by full name, SSN, file numbers, program title or locator card. Automated records retrieved by key to any data field.

**SAFEGUARDS:**

Records maintained in monitored or controlled access rooms or areas; public access to the records is not permitted; computer hardware is located in supervised areas; access is controlled by password or other user code system; utilization reviews ensure that the system is not violated. Access is

restricted to personnel having a need for the record in the performance of their duties. Buildings/rooms locked outside regular working hours.

**RETENTION AND DISPOSAL:**

Medical Department personnel professional development and training records; Headquarters, COMNAVMEDCOM records—retained at COMNAVMEDCOM for duration of member's service, then retired to NPRC, St. Louis for 10 year retention; COMNAVMEDCOM field activities—retained 5 years, then destroyed.

Radiation exposure records; personnel exceeding exposure limits—retained at COMNAVMEDCOM 50 years, then destroyed; all others—retained 5 years, then destroyed.

Surgical support team records; Headquarters, COMNAVMEDCOM—destroyed upon termination of active duty service; COMNAVMEDCOM field activities—destroyed upon termination of duty at the Medical Department facility.

Curricula vitae of lecturers/consultants—destroyed upon termination of status at the Medical Department facility.

**SYSTEM MANAGER(S) AND ADDRESS:**

Commander, Naval Medical Command, Navy Department, Washington, DC 20372-5120; Director, National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, Missouri 63132; Director, National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, Missouri 63118; Commanding Officers of naval activities, ships and stations.

**NOTIFICATION PROCEDURE:**

Offices where requester may visit to obtain information of records pertaining to the individual: Potomac Annex, 23rd and E Streets, N.W., Washington, DC 20372-5120; Navy medical centers and hospitals; other Navy health care facilities; and COMNAVMEDCOM managed education and training facilities.

The individual should present proof of identification such as an I.D. Card, driver's license, or other type of identification bearing signature and photograph.

Written requests may be addressed as follows:

Active duty Navy members or civilian employees presently working for the Navy should address requests to the Commanding Officer of the facility or ship where they are stationed or employed.

Former members of the Navy should address requests to the Director, National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, Missouri 63132.

Former civilian employees of the Navy should address requests to the Director, National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118.

All written requests should contain full name, rank, SSN, file number (if any) and designator.

**RECORD ACCESS PROCEDURES:**

The agency's rules for access to records may be obtained from the systems manager.

**CONTESTING RECORD PROCEDURES:**

The agency's rules for contesting and appealing initial determinations by the individual concerned may be obtained from the systems manager.

**RECORD SOURCE CATEGORIES:**

Military headquarters, offices and commands; education institutions at training hospitals; boards, colleges and associations of professional licensure and medical specialties; personnel records; information submitted by the individual; automated system interface.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

**N06150-2****SYSTEM NAME:**

Health Care Treatment Record System.

**SYSTEM LOCATION:**

Military health (medical) treatment records are retained at the member's medical treatment facility, (mailing addresses are listed in the Navy Directory in the appendix to the Navy systems notices); National Personnel Records Center, 9700 Page Avenue, St. Louis, Missouri 64132; Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, Louisiana 70149; Marine Corps Reserve Support Center, 10950 El Monte, Overland Park, Kansas 66211; Naval Medical Command, Navy Department, Washington, DC 20372-5120; or Headquarters, U.S. Marine Corps, Navy Department, Washington, DC 20380.

Military health (dental) treatment records are retained at the member's dental treatment facility, (mailing addresses are listed in the Navy Directory in the appendix to the Navy's systems notices); National Personnel Records Center, 9700 Page Avenue, St. Louis, Missouri 64132, Naval Reserve

Personnel Center, 4400 Dauphine Street, New Orleans, Louisiana 70149; Marine Corps Reserve Support Center, 10950 El Monte, Overland Park, Kansas 66211; Naval Medical Command, Navy Department, Washington, DC 20372-5120; or Headquarters, U.S. Marine Corps, Navy Department, Washington, DC 20380.

Inpatient (clinical) treatment records are maintained for every individual receiving care in a Navy medical treatment facility and are retained at the originating Navy medical treatment facility, (mailing addresses are listed in the Navy Directory in the appendix to the Navy's systems notices); Veterans Administration Hospitals; other medical treatment facilities; National Personnel Records Center (Military Personnel Records), 9700 Page Avenue, St. Louis, Missouri 63132; National Personnel Records Center (Civilian Personnel Records), 111 Winnebago Street, St. Louis, Missouri 63118; Medical Director, American Red Cross, Washington, DC 20226; or Naval Medical Command, Navy Department, Washington, DC 20372-5120.

Outpatient health (medical) treatment records are maintained for all patients (except active duty military) who receive outpatient treatment at Navy medical treatment facilities and are retained at Navy medical treatment facilities, (mailing addresses are listed in the Navy Directory in the appendix to the Navy's systems notices); National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, Missouri 63132; National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, Missouri 63118; Medical Director, American Red Cross, Washington, DC 20226; or Naval Medical Command, Navy Department, Washington, DC 20372-5120.

Outpatient health (dental) treatment records are maintained for all patients (except active duty military) who receive outpatient treatment at Navy dental treatment facilities and are retained at Navy dental treatment facilities, (mailing addresses are listed in the Navy Directory in the appendix to the Navy's systems notices); National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, Missouri 63132; National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, Missouri 63118; Medical Director, American Red Cross, Washington, DC 20226; or Naval Medical Command, Navy Department, Washington, DC 20372-5120.

Secondary treatment records may be maintained separately from the primary

medical record at the medical treatment facility where the record is opened. They will eventually be joined with the primary treatment record.

Subsidiary record files of the health care treatment record system are either maintained by individual departments within medical or dental treatment facilities or located at Naval Medical Data Services Center, Bethesda, Maryland; Regional Data Service Centers; Naval Environmental Health Center, Norfolk, Virginia; and other approved locations for conducting research studies.

#### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Navy and Marine Corps personnel, other military personnel, dependents, retired military personnel and dependents, civilian employees, Red Cross personnel, foreign personnel, VA beneficiaries, humanitarian patients, and all other individuals who receive treatment at a Navy medical or dental treatment facility.

Navy (military and civilian) personnel exposed to occupational/environmental hazards.

#### **CATEGORIES OF RECORDS IN THE SYSTEM:**

Military health (medical and dental) treatment records and the outpatient treatment records contain a multiplicity of prescribed forms documenting health evaluations, medical, mental, or dental care and treatment as an outpatient. The records contain medical history; physical, dental and mental examinations and evaluations; consultations; inoculations; outpatient treatment including laboratory and x-ray examinations; summaries of periods of hospitalization; reports of exposure to environmental and radiation hazards, including periodic and total lifetime accumulated exposure to radiation; results of special diagnostics and clinical studies; reports of medical boards; and recommendations regarding requests for waivers of established physical standards.

Inpatient (clinical) treatment records contain a multiplicity of prescribed forms documenting health evaluations, medical, mental, or dental care and treatment as an inpatient. The records contain medical history; physical, dental and mental examinations and evaluations; consultations; inpatient treatment including surgical procedures, drug treatment, dietary treatment, x-ray and laboratory examinations, nursing notes, physical therapy notes, and other specialty care applicable to the medical diagnosis or conditions found.

The records also contain patient's demographic data, family health history

data, length of inpatient stays, discharge summaries, and disease nomenclature. Documentation of health history, diagnosis, care, and treatment provided, and the recording thereof conform with the standards prescribed by the Joint Commission on Accreditation of Hospitals.

Secondary treatment records contain treatment information of a sensitive nature that may be harmful if released directly to the patient.

In addition to, and based on individual primary or secondary treatment records, subsidiary records are maintained. They may contain copies of documents that are maintained in the primary or secondary treatment record with supporting documentation or they may be based on the treatment records. Examples are: X-ray files; electroencephalogram tracings files; laboratory files; pharmacy files, social work case files; alcohol rehabilitation files; psychiatric or psychology case files, including psychology files documenting the clinical psychological evaluation of individuals for suitability for certain assignments; nursing care plans; medication and treatment cards, stat/daily orders; patient intake and output forms; ward reports; day books; nursing service reports; pathology and clinical laboratory reports; tumor registries; autopsy reports; laboratory information system (LABIS); blood transfusion reaction records; blood donor and blood donor center records; pharmacy records; surgery records, and vision records and reports; communicable disease case files, statistics, and reports; occupational health, industrial, and environmental control records, statistics, and reports, including data concerning periodic and total lifetime accumulated exposure to occupational/environmental hazards; emergency room and sick call logs; family advocacy case files, statistics, reports, and registers; psychiatric workload statistics and unit evaluations; gynecology malignancy data.

Aviation physical examinations and evaluation case files contain medical records documenting fitness for admission or retention in aviation programs.

Marine Security Guard Battalion psychological examination, evaluation, and treatment case files contain medical records documenting suitability for assignment as Embassy Guards.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 U.S.C. 5131 (as amended), 10 U.S.C. 5132, 44 USC 3101, 5 U.S.C. 301, and

**Title 10, CFR Part 20, Standards for Protection Against Radiation.****PURPOSE(S):**

This system is used by officials and employees of the Department of the Navy (and members of the National Red Cross in Navy medical treatment facilities) in the performance of their official duties relating to the health and medical treatment of Navy and Marine Corps individuals; physical and psychological qualifications and suitability of candidates for various programs; personnel assignment; dental readiness; claims and appeals before the Council of Personnel Boards and the Board for Correction of Naval Records; members' physical fitness for continued naval service; litigation involving medical care provided those categories of individuals covered by this record system; performance of research studies and compilation of statistical data; implementation of preventative medicine programs and occupational health surveillance programs; implementation of communicable disease control programs; and management of the Naval Medical Command's radiation program and to report data concerning individuals' exposure to radiation.

This system is used by officials and employees of other components of the Department of Defense in the performance of their official duties relating to the health and medical treatment of those individuals covered by this record system; physical and psychological qualifications and suitability of candidates for various programs; and the performance of research studies and the compilation of medical data.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

To officials and employees of the Veterans Administration in the performance of their official duties relating to the adjudication of veterans' claims and in providing medical care to members of the Naval Service.

To officials and employees of other departments and agencies of the Executive Branch of Government upon request in the performance of their official duties related to review of the physical qualifications and medical history of applicants and employees who are covered by this record system and for the conduct of research studies.

To private organizations (including educational institutions) and individuals for authorized health research in the interest of the Federal Government and the public. When not considered

mandatory, patient identification data shall be eliminated from records used for research studies.

To officials and employees of the National Research Council in cooperative studies of the National History of Disease; of prognosis and of epidemiology. Each study in which the records of members and former members of the Naval Service are used must be approved by the Surgeon General of the Navy.

To officials and employees of local and state governments and agencies in the performance of their official duties pursuant to laws and regulations governing and local control of communicable diseases, preventive medicine and safety programs, child abuse and other public health and welfare programs. Authorized surveying bodies for professional certification and accreditations. To release radiation data pursuant to 10 CFR Part 20.

When required by federal statute, by executive order, or by treaty, medical record information will be disclosed to the individual, organization, or government agency, as necessary.

**Note.**—Records of identity, diagnosis, prognosis or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, requested, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided herein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 21 U.S.C. 1175 and 42 U.S.C. 4582. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. "Blanket Routine Uses" do not apply to these records.

The Blanket Routine Uses that appear at the beginning of the Department of the Navy's compilation also apply to this system.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Primary, secondary, on-site, and subsidiary medical treatment records are stored in file folders, microform, on magnetic tape, punched cards, machine listings, discs, and other computerized or machine readable media.

**RETRIEVABILITY:**

Military health (medical and dental) treatment records, both primary and secondary records, are filed and maintained by the last 4 digits of the military member's SSN, the member's

last name, or the member's SSN. A locator file cross-references the patient's name with the location of his/her record.

Inpatient (clinical) treatment records, both primary and secondary records, are filed and maintained by the last 4 digits of the sponsor's SSN or a register number. A manual or automatic register of patients is kept at each Navy medical treatment facility. The location of the file can be determined by a seven-digit register number or the patient's name.

Outpatient (medical and dental) treatment records, both primary and secondary records, are filed and maintained by the sponsor's SSN or date of birth and relation to the sponsor. A locator file cross-references the patient's name with the location of his/her record.

Treatment records retired to a Federal Records Center prior to 1971 are retrieved by the name and service number or file number. After that date, records are retrieved by name and social security number.

Aviation medical records are filed and maintained by SSN and name.

Marine Security Guard Battalion psychological examination, evaluation, and treatment case files contain medical records documenting fitness for assignment as Embassy Guards and are filed and maintained by SSN and name.

Subsidiary health care records may or may not be identified by patient identifier. When they are, they may be retrieved by name and SSN.

**SAFEGUARDS:**

Records are maintained in various kinds of filing equipment in specific monitored or controlled access rooms or areas; public access is not permitted. Computer terminals are located in supervised areas; access is controlled by password or other user code system; utilization reviews ensure that the system is not violated. Access is restricted to personnel having a need for the record in providing further medical care or in support of administrative/clerical functions. Records are controlled by a charge-out system to clinical and other authorized personnel.

**RETENTION AND DISPOSAL:**

Military health (medical and dental) treatment records, both primary and secondary records, are transferred with the member upon permanent change of duty station to his/her new duty station. These records are retired to the National Personnel Records Center, 9700 Page Avenue, St. Louis, Missouri 63132.

Inpatient (clinical) treatment records, both primary and secondary records, are

transferred to the National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, Missouri 63132 or to the National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, Missouri, two years after the calendar year of the last date of treatment.

Outpatient (medical and dental) treatment records, both primary and secondary records, are transferred to the National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, Missouri 63132 or to the National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, Missouri, two years after the calendar year of the last date of treatment.

X-ray files are retained on-site and destroyed three years after the last x-ray in the file, with the exception of asbestos x-rays, which are retained indefinitely.

Subsidiary treatment records are retained separately from the primary or secondary treatment record and retired in accordance with SECNAVINST 5212.5 series.

Aviation medical records are retained on board and destroyed when 30 years old.

Marine Security Guard Battalion psychological examination, evaluation, and treatment case files containing medical records documenting fitness for assignment as Embassy Guards are retained on board and destroyed after 50 years.

Clinical psychology case files documenting suitability for special assignment will be retained at the originating medical treatment facility and destroyed when 50 years old.

Radiation exposure records for personnel exceeding exposure limits are retained at COMNAVMECOM 50 years, then destroyed.

#### SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Medical Command, Navy Department, Washington, DC 20372-5120; Director, National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, Missouri 63132, Director, National Personnel Records Center (Civilian Personnel Records), 111 Winnebago Street, St. Louis, Missouri; Commanding Officers and OIC's of Naval Medical Treatment Facilities; Commanding Officers of Naval Activities, Ships and Stations.

#### NOTIFICATION PROCEDURE:

Active duty Navy and Marine Corps personnel and drilling members of the Navy and Marine Corps Reserves

should address requests for records to the originating medical or dental treatment facility (mailing addresses are listed in the Navy Directory in the appendix to the Navy's systems notices).

Inactive Naval Reservists should address requests for information to the Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, Louisiana 70149-7800. Marine Reservists should address requests for information to Marine Corps Reserve Forces Administrative Activity, Class III, 1500 E. Bannister Road, Kansas City, Missouri 64131.

Former members who have no further reserve or active duty obligations should address requests for information to the Director, National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, Missouri 63132.

All written requests should contain the full name and SSN of the individual, his/her signature, and in those cases where his/her period of service ended before 1971, his/her service or file number. In requesting records for personnel who served before 1964, information provided to the National Personnel Records Center should also include date and place of birth and dates of periods of active Naval service.

Active duty Navy and Marine Corps personnel including drilling members of the reserves may visit the medical department of the activity to which attached. Inactive Naval Reservists whose tour of active duty ended after 1 July 1972 may visit the Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, Louisiana. Marine Reservists whose tour of active duty ended after 1 July 1972 and who have a continual reserve obligation may visit the Marine Corps Reserve Forces Administration Activity, Class III, 1500 E. Bannister Road, Kansas City, Missouri. Former members with no further obligation and reservists whose tour of active duty ended prior to 1 July 1972 may visit the National Personnel Records Center, 9700 Page Avenue, St. Louis, MO. Proof of identification in the case of active duty, retired and reserve personnel will consist of the Armed Forces of the U.S. Identification Card or by other types of identification bearing picture and signature.

Requests for inpatient records within two years of inpatient stay should be addressed to the Commanding Officer of the medical treatment facility where the individual was treated.

Requests for inpatient records after two years after inpatient stay should be addressed to the Director, National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago

Street, St. Louis, Missouri 63118 or to the Director, National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, Missouri 63132.

Requests for subsidiary medical records should be addressed to the Commanding Officer of the originating medical or dental treatment center.

The following data should be provided: full name, social security number, status, date(s) of treatment or period of hospitalization, address at time of medical treatment, and service number.

Full name, date, and place of birth, ID card or driver's license, or other identification to sufficiently identify the individual with the medical records held by the treatment facility must be presented.

#### RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

#### CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the systems manager.

#### RECORD SOURCE CATEGORIES:

Reports from attending and previous physicians and other medical personnel regarding the results of physical, dental, and mental examinations, treatment, evaluation, consultation, laboratory, x-ray, and special studies conducted to provide health care to the individual or to determine the individual's physical and dental qualification.

#### EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 87-27707 Filed 12-1-87; 8:45 am]

BILLING CODE 3810-01-M

## DEPARTMENT OF ENERGY

### Economic Regulatory Administration

[ERA Docket No. 87-55-NG]

#### Unicorp Energy, Inc.; Application To Export Natural Gas to Canada

**AGENCY:** Economic Regulatory Administration, DOE.

**ACTION:** Notice of application for blanket authorization to export natural gas to Canada.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on October 8, 1987, of an application

filed by Unicorp Energy, Inc. (Unicorp), for blanket authorization to export natural gas to Canada for sale on a short-term basis to spot-market purchases including commercial and industrial end-users and local distribution companies in Canada.

Authorization is requested to export up to 145 Bcf over a term of two years from the date of first export. The maximum daily quantity of natural gas proposed to be exported by Unicorp will not exceed 200 MMcf.

Unicorp, a Delaware corporation, is a wholly owned subsidiary of Unicorp Canada Corporation. Unicorp is a marketer of natural gas supplies, acting as an agent on behalf of both purchasers and producers. Unicorp expects to secure quantities of natural gas in the United States from a variety of suppliers located principally in Texas, Oklahoma, and Kansas. Unicorp may also secure transportation arrangements for the gas to be exported or may act as an agent on behalf of producers and purchasers. No new facilities are anticipated to be constructed for the proposed exportation of the natural gas. Unicorp proposes to file quarterly reports on the specifics of the export arrangements.

The application is filed with the ERA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-111. Protests, motions to intervene, notices of intervention and written comments are invited.

**DATE:** Protest, motions to intervene, or notices of interventions, as applicable, and written comments are to be filed no later than January 4, 1988.

**FOR FURTHER INFORMATION CONTACT:**

John Boyd, Natural Gas Division, Economic Regulatory Administration, Forrestal Building, Room GA-076, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-4523.  
Diane Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, Forrestal Building, Room GA-042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-6667.

This export application will be reviewed pursuant to section 3 of the Natural Gas Act and the authority contained in DOE Delegation Order No. 0204-111. The decision on whether the export of natural gas is in the public interest will be based upon the domestic need for the gas and on whether the arrangement is consistent with the DOE policy of promoting competition in the

natural gas marketplace by allowing parties to freely negotiate their own trade arrangements. The applicant asserts that there is no present national need for the gas to be exported. Parties, especially those that may oppose this application, should comment in their responses on these matters.

All parties should be aware that if the ERA approves this requested blanket export, it may designate a total amount of authorized volumes for the term, rather than a daily or annual limit, in order to provide the applicant with maximum flexibility of operation.

**Public Comment Procedures**

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA-076, RG-23, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9478. They must be filed no later than 4:30 p.m. e.s.t., January 4, 1988.

The Administrator intends to develop a decisional record on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should

identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

In an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Unicorp's application is available for inspection and copying in the Natural Gas Division Docket Room, GA-076-A, at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, November 24, 1987.

**Robert L. Davies,**

*Director, Office of Fuels Programs, Economic Regulatory Administration.*

[FR Doc. 87-27680 Filed 12-1-87; 8:45 am]

BILLING CODE 6450-01-M

**Energy Information Administration**

**Agency Collections Under Review by the Office of Management and Budget**

**AGENCY:** Energy Information Administration, DOE.

**ACTION:** Correction.

**SUMMARY:** On November 16, 1987, (52 FR 43787), DOE published an inventory of current energy information collections. Part II of the document, listing those information collections not utilizing structured forms and the appropriate Code of Federal Regulations citations, was not included in the printed version. As a correction, Part II is set out below.

Issued in Washington, DC, November 25, 1987.

**Yvonne M. Bishop,**

*Director, Statistical Standards, Energy Information Administration.*

## PART II.—DOE ACTIVE INFORMATION COLLECTIONS

[Not utilizing structured forms]

DOE No.	Title	OMB control No.	Expiration date	CFR citation
Civilian Radioactive Waste Management: NWP-830R	Standard Contract for Disposal of Spent Nuclear Fuel and/or High Level Radioactive Waste—Contract.	19010260	12/31/89	10 CFR Part 961
NWP-830R- A-F	Standard Contract for Disposal of Spent Nuclear Fuel and/or High Level Radioactive Waste—Annual Report.	19010260	12/31/89	10 CFR Part 961
Economic Regulatory Administration: ERA-329R	Regulatory Reporting and Recordkeeping Requirements Pursuant to 10 CFR 500, 501, 503, and 504.	19030075	07/31/88	10 CFR Parts 500, 501, 503, 504, 505, 508, 515
ERA-330R	Electric Utility Conservation Plans.....	19030078	01/31/88	10 CFR Part 508
ERA-746R	Imports and Exports of Natural Gas.....	19030081	01/31/90	10 CFR Parts 205, 590
ERA-750R	Annual Compilation of Proposed and Final List of Utilities Covered by Public Utility Regulatory Policies Act and National Energy Conservation Policy Act.	19030070	01/31/88	10 CFR Part 463
ERA-766R	Recordkeeping Requirements of DOE's General Allocation and Price Rules.	19030073	12/31/87	10 CFR 210.1, 211.69, 213.6, 221.36
Federal Energy Regulatory Commission: FERC-16A	Monitoring (Omnibus) Report.....	19020105	09/30/89	By FERC Order
FERC-16AT	Interstate Pipeline Curtailment (Telephone) Survey.....	19020139	11/30/87	By FERC Order
FERC-314A	Application For Small Producer Exemption.....	19020006	02/29/88	18 CFR 157.40(b)(4), 250.10
FERC-500	Application for Hydropower Projects Greater Than 5MW Capacity (RM87-36).	19020058	03/31/88	18 CFR 4.40-4.41, 4.50, 4.200-4.202, 4.38, 4.39
FERC-505	Application for License for Major and Minor Hydropower Projects 5MW or Less Capacity (RM87-36).	19020115	01/31/88	18 CFR 4.61, 4.71, 4.92-4.93, 4.107-4.108, 4.112-4.113, 4.201-4.202
FERC-510	Application for Surrender of License.....	19020068	05/31/88	18 CFR 6.1, 6.3
FERC-511	Application for Transfer of License.....	19020069	07/31/88	18 CFR 9.1, 9.2, 9.10
FERC-512	Application for Preliminary Permit.....	19020073	04/30/88	18 CFR 4.31-4.33, 4.81-4.82
FERC-515	Hydropower License—Declaration of Intention.....	19020079	08/31/88	18 CFR 24.1
FERC-516	Electric Rate Schedule Filings.....	19020096	11/30/88	18 CFR Part 35 Subpart A, 35.12-35.16, 35.26, 35.30, 35.31, 292.301
FERC-519	Electric Rates—Corporate Applications.....	19020082	03/31/89	18 CFR Part 33
FERC-520	Application for Authority to Hold Interlocking Directorate Positions.....	19020083	08/31/88	18 CFR Part 45
FERC-521	Payments for Benefits from Headwater Improvements.....	19020087	06/30/89	18 CFR Part 11
FERC-523	Application For Authorization Of The Issuance Of Securities.....	19020043	10/31/89	18 CFR Part 34
FERC-525	Financial Audit.....	19020092	03/31/89	18 CFR Parts 101, 201
FERC-530	Gas Producer Certificate: Abandonment/Termination.....	19020051	09/30/90	18 CFR 2.64, 157.30, 250.7
FERC-531	Gas Producer Certificate: New Service/Amendments.....	19020052	03/31/89	18 CFR 2.75, 154.91, 111, 157.23-157.28, 157.40, 250.5, 250.10
FERC-532	Gas Producer Rate: Filing.....	19020055	03/31/88	18 CFR 2.56(a); 154.91-154.110, 157.301, 250.8-9, 250.14
FERC-534	Application for Production—Related Costs: Producer Rates.....	19020057	03/31/89	18 CFR 270.203, 271.1103-271.1105

## PART II.—DOE ACTIVE INFORMATION COLLECTIONS—Continued

[Not utilizing structured forms]

DOE No.	Title	OMB control No.	Expiration date	CFR citation
FERC-537	Gas Pipeline Certificates: Open Access/Non-discriminatory Transportation	19020060	04/30/88	18 CFR 2.79; 157.5-157.21, 157.100, 157.201-157.218; 159.1; 284.107, 284.127, 284.221
FERC-538	Gas Pipeline Certificate: Initial Service	19020061	02/29/88	18 CFR 156.3-156.5
FERC-539	Gas Pipeline Certificate: Import/Export Related	19020062	04/30/88	18 CFR Part 153
FERC-541	Gas Pipeline Certificate: Curtailment Plan	19020066	03/31/88	18 CFR 2.78, 281
FERC-542	Gas Pipeline Rates: Initial Rates, Rate Change, and PGA Tracking	19020070	02/29/88	18 CFR 154.38, 154.61-154.67
FERC-542A	Tracking and Recovery of Alaska Natural Gas Transportation System	19020129	07/31/89	18 CFR 154.201-154.213
FERC-547	Gas Pipeline Rates: Refund Obligations	19020084	03/31/88	18 CFR 154.38(5)(V)(H); 270.101; 273.301-273.302
FERC-548	Gas Pipeline Rates: Staff Adjustment Under Natural Gas Policy Act Section 502(c).	19020085	11/30/88	18 CFR Parts 270-277, 282, 284, 385, Subpart K
FERC-549	Gas Pipeline Rates: Natural Gas Policy Act Title III Transactions	19020086	06/30/88	18 CFR Part 284 Sub. A/D/E/F/H; 284.7-284.11, 284.102, 284.106, 284.122, 284.125, etc.
FERC-550	Oil Pipeline: Tariff Filings	19020089	05/31/89	18 CFR Parts 340-345, 347
FERC-555	Records Retention Requirements	19020098	10/31/89	18 CFR Parts 125, 158, 160.1, 276.108, 277.210, 225, 356
FERC-556	Cogeneration and Small Power Production	19020075	05/31/88	18 CFR Part 292
FERC-557	PURPA Section 133: Cost of Retail Electric Service	19020042	09/30/89	18 CFR Part 290
FERC-558	Format of Contract Summary for Applications for Certificates Of Public Convenience And Necessity.	19020109	07/31/90	18 CFR 250.5, 157.24(a)
FERC-559	Independent Producer Rate Change Or Initial Billing Statement	19020036	06/30/90	18 CFR 250.14, 154.92(a) & (b), 154.94 (f) & (h)
FERC-566	Report of Utility's Twenty Largest Purchasers	19020114	12/31/87	18 CFR 46.3
FERC-567	Gas Pipeline Certificates: Annual Reports of System Flow Diagrams and System Capacity.	19020005	09/30/90	18 CFR 260.8, and 284.12
FERC-568	Well Category Determinations	19020112	10/31/89	18 CFR 271.703, 274, 275
FERC-569	Refund Obligations (Producer)	19020111	12/31/87	18 CFR Part 273
FERC-570	Recordkeeping Requirements for Certain Sales of Natural Gas	19020124	07/31/88	18 CFR 271.503, 271.603, 271.903
FERC-571	Gas Pipeline Rates: Incremental Pricing Reports	19020110	10/31/87	18 CFR Part 282
FERC-574	Gas Pipeline Certificate: Hinshaw Exemption	19020116	12/31/89	18 CFR Part 152
FERC-576	Reports on Pipeline System Service Interruptions	19020004	03/31/89	18 CFR 260.9
FERC-577	Gas Pipeline Certificates: Environmental Impact Statement (re: Regulations Implementing the National Environmental Policy Act of 1969).	19020128	06/30/89	18 CFR 2.80, 2.82, 157.14
FERC-583	Hydroelectric Fees and Annual Charges	19020136	06/30/90	18 CFR 11.20-11.22, 11.24, 131.70, 11.01-11.04, 11.06
FERC-585	Reporting of Electric Energy Shortages & Contingency Plans Under PURPA 206.	19020138	10/31/87	18 CFR Part 294
FERC-588	Emergency Natural Gas Sale, Transportation and Exchange Transactions.	19020144	03/31/89	18 CFR Part 284, Subpart I
FERC-590	Wellhead Pricing: Pricing Audit	19020147	07/31/89	Not applicable
International Affairs and Energy Emergencies. IE-417R	Power System Emergency Report	19010288	05/31/89	10 CFR 205.350-205.355

[FR Doc. 87-27681 Filed 12-1-87; 8:45 am]

BILLING CODE 6450-01-M

# Federal Energy Regulatory Commission

[Docket No. GP88-2-000]

## Forest Oil Corp.; Petition for Declaratory Order

November 25, 1987.

Take notice that on October 23, 1987, Forest Oil Corporation (Forest) filed a petition for a declaratory order requesting the Commission to declare that certain flexible pricing and quantity terms may be included in a contract for the first sale of new natural gas produced from a reservoir located on the outer continental shelf, consistent with the requirements of section 315(a)(3) of the NGPA and § 277.101 of the Commission's regulations. Forest states that it has a working interest in gas reserves located in Eugene Island Block 190, offshore Louisiana. Forest states that its lease covering this block is a "new lease" as defined in section 102 of the NGPA, and that the gas produced from Block 190 qualifies as "new natural gas" under section 102(c) of the NGPA. Forest further states that, weather permitting, gas will be available for initial deliveries from Block 190 in May or June 1988.

Forest states that its interest in Block 190 is not currently subject to a gas purchase contract, and that legal uncertainties concerning the 15-year term requirements of section 315(a)(3) of the NGPA and the Commission's regulations thereunder have hindered Forest's ability to negotiate a contract covering Block 190. Forest states that any contract it executes for the sale of gas from Block 190 would include a 15-year term, but that Forest and its prospective purchasers may also desire to include flexible quantity and pricing provisions that might permit termination of the contract prior to the end of the 15-year term in the event the parties are unable to agree on price or quantity terms applicable to future sales under the contract. Forest further states that the parties desire to evaluate certain other provisions customarily included in contracts for the first sale of natural gas that might permit termination of the contract prior to the expiration of the 15-year term. Forest requests the Commission to issue an order declaring that the contract provisions described in its request and attached as Appendix A to that request may be included in a contract for the first sale of new natural gas produced from the OCS consistent

with the provisions of section 315(a)(3) of the NGPA.

Any person desiring to be heard or to make any protest should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 214 and 211 of the Commission's rules of practice and procedure. All such motions or protests should be filed within 30 days after publication of this notice in the *Federal Register*. All protests filed will be considered, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 87-27686 Filed 12-1-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-701-003]

## Kansas City Power & Light Co.; Filing

November 25, 1987.

Take notice that on October 23, 1987, Kansas City Power & Light Company (KCPL) tendered for filing its compliance refund report pursuant to the Commission's order issued September 15, 1987.

Copies of this filing were served upon all parties that were affected by this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 2, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 87-27684 Filed 12-1-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2318-000]

## Matina S. Horner; Filing

November 25, 1987.

Take notice that on November 19, 1987, Matina S. Horner filed an application pursuant to section 305(b) of the Federal Power Act for Commission authorization to hold concurrently the following positions:

Position	Name of corporation	Classification
Director	Boston Edison Company	Public Utility
Director	Liberty Mutual Life Insurance Company	Mutual Life Insurance Company

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 10, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 87-27685 Filed 12-1-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-144-001]

## Northern Border Pipeline Co.; Proposed Changes in F.E.R.C. Gas Tariff

November 27, 1987.

Take notice that on November 17, 1987, Northern Border Pipeline Company (Northern Border) tendered for filing to become a part of Northern Border Pipeline Company's F.E.R.C. Gas Tariff, Original Volumes Nos. 1 and 2 the following tariff sheets:

### Original Volume No. 1

Substitute First Revised Sheet No. 120  
Substitute Original Sheet No. 121  
Original Sheet No. 122  
Substitute First Revised Sheet No. 204

### Original Volume No. 2

Substitute First Revised Sheet No. 11

Northern Border states that the revised tariff sheets were filed to comply with the October 21, 1987 letter order issued by the Director, Office of Pipeline and Producer Regulations at Docket No. RP87-144-000.

Northern Border has requested that the tariff sheets have an effective date of October 21, 1987 to coincide with the effective date of tariff sheets approved in RP87-144-000. Copies of this filing have been sent to all parties of record and to Northern Border's customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 4, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 87-27703 Filed 12-1-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP85-18-003]

**Point Arguello Natural Gas Line Co.; Replacement Sheet to Initial FERC Gas Tariff**

November 27, 1987.

Take notice that on November 23, 1987, Point Arguello Natural Gas Line Company (PANGL) tendered for filing a replacement tariff for Original Sheet No. 11 to Original Volume No. 1. PANGL states that this replacement tariff provides cost of service adjustments to actuals every six months in lieu of every twelve months.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before December 7, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to

become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 87-27704 Filed 12-1-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP87-196-008]

**Transcontinental Gas Pipe Line Corp.; Corrected Tariff Sheet in FERC Gas Tariff**

November 27, 1987.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on November 9, 1987, tendered for filing Second Revised Sheet No. 12-A, Superseding First Revised Sheet No. 12-A, to correct Original Sheet No. 12-A.

Transco states on September 17, 1987, it submitted its compliance filing in the captioned docket pursuant to Ordering paragraph (O) of the Commission's August 18, 1987, Order in Docket No. CP87-196-000. 40 FERC 61,185. Transco further states that by letter Order dated October 20, 1987, those certain tariff sheets were accepted for filing to become effective September 1, 1987.

Transco states that, due to a numbering error, Original Sheet No. 12-A was one of those tariff sheets accepted. Transco submits an original and seven copies of Second Revised Sheet No. 12-A, Superseding First Revised Sheet No. 12-A, to reflect the correction of this error. Transco states that no other changes have been made.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before December 4, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 87-27705 Filed 12-1-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-1-29-000]

**Transcontinental Gas Pipe Line Corp.; Technical Conference**

November 27, 1987.

Pursuant to the Commission order dated October 29, 1987, a technical conference will be held to resolve the issues raised in the above-captioned proceeding. The conference will be held on Thursday, December 10, 1987 at 10:00 a.m. in a room to be designated at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426.

All interested persons and Staff are permitted to attend.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 87-27706 Filed 12-1-87; 8:45 am]

BILLING CODE 6717-01-M

**Western Area Power Administration**

**Floodplain/Wetlands Determination for the Lovell-Heart Mountain-Big George 69/115-kV Transmission Line, Park and Big Horn Counties, WY**

**AGENCY:** Western Area Power Administration, DOE.

**ACTION:** Public notice of comment period.

**SUMMARY:** The Department of Energy (DOE), Western Area Power Administration (Western), proposes to install no more than seven transmission line structures within the floodplain of the Shoshone River, southwest of Lovell, Wyoming.

In accordance with § 1022.14 of the DOE Procedures for Floodplain/Wetlands Review, (44 FR 12598), Western will allow 15 days for public and agency comment before issuing a statement of findings for the proposed floodplain/wetlands action.

**DATES:** Comments must be submitted on or before December 17, 1987.

**ADDRESS:** Comments should be submitted to: Mr. Mark N. Silverman, Area Manager, Loveland Area Office, Western Area Power Administration, P.O. Box 3700, Loveland, CO 80539.

**FOR FURTHER INFORMATION CONTACT:** Mr. Bill Melander, Environmental Specialist, 303-490-7231.

**SUPPLEMENTARY INFORMATION:** Western proposes to rebuild the Lovell-Heart Mountain-Big George 69 kilovolt (kV) Transmission Line between the Lovell Substation, south of Lovell, Wyoming, and the Big George Substation, south of Cody, Wyoming. The existing line needs to be rebuilt because of its deteriorated

condition, its lack of overhead ground wires, and its incapability to carry projected winter loads. Western proposes to rebuild the existing line at 115-kV capacity, initially energizing it at 69-kV, then converting it to 115-kV operation when demand warrants.

As part of Western's environmental review process, Western is preparing an environmental assessment that addresses system and routing alternatives to the proposed action and a floodplain/wetlands assessment. The results of the assessments to date indicate that regardless of the routing alternative selected, the floodplain and associated wetlands of the Shoshone River must be traversed because the terminals for the proposed project are located on opposite sides of the Shoshone River.

The existing Lovell-Heart Mountain-Big George 69-kV Transmission Line traverses the floodplain of the Shoshone River. Seven structures are present within the boundaries of the flood hazard zone as defined by the National Flood Insurance Program. The number of structures within the floodplain will not be increased, as the proposed action will involve replacing existing structures within the floodplain. Therefore, the flow characteristics of the floodplain will not be significantly altered by the proposal. Depending on the structure type designed for the project, the number of structures within the floodplain could be reduced if a single-pole steel or concrete structure is selected for the proposal. The floodplain of the Shoshone River is too wide to span, regardless of the structure type selected.

Wetlands associated with the Shoshone River floodplain will be avoided by structure sites and access ways, if practicable. If it is not possible to avoid the wetlands associated with the floodplain, Western will restore damaged wetland areas following construction.

In accordance with § 1022.14 of the DOE Procedures for Floodplain/Wetlands Review, Western has sent this notice to interested Federal, State, and local agencies and persons known to be interested in the proposed floodplain/wetlands action. Following the publication of this public notice in the *Federal Register*, Western will allow 15 days for public and agency comment. At the close of the public comment period, Western will reevaluate the practicability of alternatives to the proposed floodplain/wetlands action and the mitigating measures, taking into account all substantive comments received. Western's decision concerning the floodplain/wetlands action will be

documented in a statement of findings in accordance with § 1022.14 of the DOE Procedures for Floodplain/Wetlands Review and incorporated into Western's appropriate environmental clearance document.

Issued in Golden, Colorado, November 20, 1987.

William H. Claggett,  
Administrator.

[FR Doc. 87-27682 Filed 12-1-87; 8:45 am]

BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[WH-FLR-3297-S]

### State and Local Assistance; Grants for Construction of Treatment Works

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of allotment.

**SUMMARY:** This notice sets forth the State allotments of additional fiscal year (FY) 1987 funding for the municipal wastewater treatment works construction grants program. These funds were made available for allotment to the States in Pub. L. No. 100-71, the Supplemental Appropriations Act of 1987, July 11, 1987.

In Pub. L. No. 100-71 Congress appropriated and made available \$1.2 billion in funding for the construction grants program. Of this \$1.2 billion, Congress transferred a total of \$39 million out of Construction Grants to be used for Abatement, Control, and Compliance (\$27 million) and Salaries and Expenses (\$12 million). After national set-asides for Indian Tribes and the Marine Estuary Reserve are subtracted, the remaining amount is allotted in accordance with section 205(c)(3) of the Clean Water Act (the Act), as amended by Pub. L. No. 100-4.

Through promulgation of this notice the requirements of the Act are fulfilled and the public is notified of the amounts made available to the States for grants to construct municipal wastewater treatment works. This notice also explains an adjustment to the allotment formula in section 205(c)(3) necessitated by laws affecting the funding status of the former Trust Territories of the Pacific Islands.

**FOR FURTHER INFORMATION CONTACT:** Mr. Dave Swack, Program Management Branch, Municipal Construction Division, Office of Municipal Pollution Control, (202) 382-5828.

**SUPPLEMENTARY INFORMATION:** Pub. L. No. 100-71 appropriated and made available \$1.2 billion in additional FY

1987 construction grant funds, of which \$1.161 billion remain after Congressional transfers. Two national set-asides (Marine Estuary Reservation and Indian Tribes) are subtracted from the amount available prior to allotment to the States. Finally, adjustments to States' allotments are made to reflect the decreased amount of funding provided to the former Trust Territories of the Pacific Islands.

The national set-asides and the adjustments necessitated by the change in status of the former Trust Territories are explained below. The amount of additional FY 1987 funding that is made available to each State is listed in the table at the end of this notice.

### Marine Estuary Reservation

Section 205(1) of the Act provides that, prior to making allotments among the States, the Administrator shall reserve 1 percent of sums appropriated for FY 1987 to address water quality problems in marine bays and estuaries. In accordance with this provision, one percent (\$11,610,000) of the \$1.161 billion available for allotment is set-aside prior to allotting funds to the individual States. Section 205(1) further stipulates that "Of the sums reserved under this subsection, two thirds shall be available to address water quality problems of marine bays and estuaries subject to lower levels of water quality due to the impacts of discharges from combined storm water and sanitary sewer overflows from adjacent urban complexes, and one-third shall be available for the implementation of section 320 of this Act, relating to the national estuary program." Funds set-aside for this program are available for obligation until September 30, 1988.

### Indian Tribes

Section 518(c) of the Act provides that the Administrator shall reserve one-half of one percent of the sums appropriated for FY 1987 to make wastewater treatment grants to Indian tribes. These funds are available for grants to develop waste treatment management plans and to construct sewage treatment works to serve Indian tribes. In accordance with this provision, one-half of one percent (\$5,805,000) of the \$1.161 billion available for allotment is set-aside prior to allocating funds to the States.

### Trust Territory Adjustment

In Pub. L. No. 99-658, Congress approved a Compact of Free Association for the Trust Territories' members and directed, for transition purposes, that the Trust Territories receive in FY 1987 " \* \* \* an amount not

to exceed 75 per centum of the total amount appropriated for \* \* \* [infrastructure] for fiscal year 1986." At the effective date of this allotment the Republic of Palau, a member of the Trust Territories, has yet to ratify its Compact of Free Association. To cover this contingency, Pub. L. No. 99-239, section 105(h)(2) states that, "Upon the effective date of the Compact, the laws of the United States generally applicable to the Trust Territory of the Pacific Islands shall continue to apply to the Republic of Palau and the Republic of Palau shall be eligible for such proportion of Federal assistance as it would otherwise have been eligible to receive under such laws prior to the effective date of the Compact, as provided in appropriation Acts or other Acts of Congress." To comply with both Pub. L. No. 99-658 and

Pub. L. No. 99-239, and given funding previously allotted in FY 1987 (52 FR 15761), it is necessary to decrease the Trust Territories' allotment share from the appropriation. Funds that otherwise would have been allotted to the Trust Territories are redistributed to the remaining States and territories in proportion to their respective shares of the appropriation. This redistribution is accomplished by the new allocation shares shown in the column titled "Formula After Trust Terr. Adjustment" in the table at the end of this notice. The actual allotments resulting from the adjusted allotment shares are shown in the column titled "State Allotment."

The table below lists the amount of additional funding made available to each State. Advices of allowance for these allotments have been issued by

the EPA Comptroller and these allotments are available for obligation until September 30, 1988. Section 205(m) of the Act, added by Pub. L. No. 100-4, allows a State to make discretionary deposits into an EPA-approved State water pollution control revolving fund (SRF) of up to 50% of the State's allotment from this appropriation. After September 30, 1988, unobligated balances will be reallocated in accordance with the Act and EPA regulation 40 CFR 35.2010. Grants from the allotments may be awarded as of the date that advices of allowance are issued to the Regional Administrator by the Comptroller of EPA.

Dated: November 22, 1987.

Lee M. Thomas,  
Administrator.

### FISCAL YEAR 1987 STATE ALLOTMENTS FROM ADDITIONAL \$1.161 BILLION

State	Allotment formula	Formula after trust terr. adjustment	State allotment
Alabama.....	0.011309	0.011320	\$12,945,000
Alaska.....	0.006053	0.006059	6,929,000
Arizona.....	0.006831	0.006838	7,820,000
Arkansas.....	0.006616	0.006622	7,573,000
California.....	0.072333	0.072403	82,799,000
Colorado.....	0.008090	0.008098	9,261,000
Connecticut.....	0.012390	0.012402	14,183,000
Delaware.....	0.004965	0.004970	5,683,000
District of Columbia.....	0.004965	0.004970	5,683,000
Florida.....	0.034139	0.034172	39,079,000
Georgia.....	0.017100	0.017117	19,574,000
Hawaii.....	0.007833	0.007841	8,966,000
Idaho.....	0.004965	0.004970	5,683,000
Illinois.....	0.045741	0.045785	52,360,000
Indiana.....	0.024374	0.024398	27,901,000
Iowa.....	0.013688	0.013701	15,669,000
Kansas.....	0.009129	0.009138	10,450,000
Kentucky.....	0.012872	0.012885	14,735,000
Louisiana.....	0.011118	0.011129	12,727,000
Maine.....	0.007829	0.007837	8,962,000
Maryland.....	0.024461	0.024485	28,001,000
Massachusetts.....	0.034338	0.034371	39,307,000
Michigan.....	0.043487	0.043529	49,779,000
Minnesota.....	0.018589	0.018607	21,279,000
Mississippi.....	0.009112	0.009121	10,431,000
Missouri.....	0.028037	0.028064	32,094,000
Montana.....	0.004965	0.004970	5,683,000
Nebraska.....	0.005173	0.005178	5,922,000
Nevada.....	0.004965	0.004970	5,683,000
New Hampshire.....	0.010107	0.010117	11,570,000
New Jersey.....	0.041329	0.041369	47,309,000
New Mexico.....	0.004965	0.004970	5,683,000
New York.....	0.111632	0.111741	127,785,000
North Carolina.....	0.018253	0.018271	20,894,000
North Dakota.....	0.004965	0.004970	5,683,000
Ohio.....	0.056936	0.056991	65,175,000
Oklahoma.....	0.008171	0.008179	9,353,000
Oregon.....	0.011425	0.011436	13,078,000
Pennsylvania.....	0.040062	0.040101	45,859,000
Rhode Island.....	0.006791	0.006798	7,774,000
South Carolina.....	0.010361	0.010371	11,860,000
South Dakota.....	0.004965	0.004970	5,683,000
Tennessee.....	0.014692	0.014706	16,818,000
Texas.....	0.046226	0.046271	52,915,000
Utah.....	0.005329	0.005334	6,100,000

## FISCAL YEAR 1987 STATE ALLOTMENTS FROM ADDITIONAL \$1.161 BILLION—Continued

State	Allotment formula	Formula after trust terr adjustment	State allotment
Vermont.....	0.004965	0.004970	5,683,000
Virginia.....	0.0020698	0.0020718	23,693,000
Washington.....	0.0017588	0.0017605	20,133,000
West Virginia.....	0.0015766	0.0015781	18,047,000
Wisconsin.....	0.0027342	0.0027369	31,298,000
Wisconsin.....	0.027342	0.027369	31,298,000
Wyoming.....	0.004965	0.004970	5,683,000
American Samoa.....	0.000908	0.000909	1,039,000
Guam.....	0.000657	0.000658	752,000
Northern Marianas.....	0.000422	0.000422	483,000
Puerto Rico.....	0.013191	0.013204	15,100,000
Pacific Trust Territory.....	0.001295	0.000324	371,000
Virgin Islands.....	0.000527	0.000528	603,000
Total.....	1.000000	1.000000	\$1,143,585,000
Marine Estuary Reserve.....	0.01		\$11,610,000
Indian Tribes.....	0.005		5,805,000
Total.....			\$1,161,000,000

[FR Doc. 87-27655 Filed 12-1-87; 8:45 am]

BILLING CODE 6560-50-M

[OPP-50673; FRL-3297-3]

**Issuance of Experimental Pesticide Use Permits; Mobay Chemical Corp. et al.****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

**FOR FURTHER INFORMATION CONTACT:**

By mail: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

In person or by telephone: Contact the product manager at the following address at the office location or telephone number cited in each experimental use permit.

**SUPPLEMENTARY INFORMATION:** EPA has issued the following experimental use permits.

3125-EUP-193. Renewal. Mobay Chemical Corporation, Agricultural Chemicals Division, P.O. Box 4913, Hawthorn Road, Kansas City, MO 64120-0013. This experimental use permit allows the use of 300 pounds of the insecticide cyano[4-fluoro-3-phenoxy-phenyl)methyl-3-(2,2-dimethylcyclopropanecarboxylate on

broccoli, Brussels sprouts, cabbage, and cauliflower to evaluate the control of various insects. The remaining acreage (1,160 acres originally authorized) is authorized only in the States of Arizona, California, Florida, Georgia, Massachusetts, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Texas, Virginia, Washington, and Wisconsin. The experimental use permit was previously effective from August 1, 1986 to August 1, 1987; the permit is now effective from August 25, 1987 to November 25, 1987. Temporary tolerances for residues of the active ingredient in or on broccoli, Brussels sprouts, cabbage, and cauliflower have been established. (George T. LaRocca, PM 15, Rm. 204, CM#2, (703-557-2400))

45639-EUP-37. Nor-Am Chemical Company, 3509 Silverside Road, P.O. Box 7495, Wilmington, DE 19803. This experimental use permit allows the use of 0.21 pounds of the miticide 3,6-bis(2-chlorophenyl)-1,2,4,5-tetrazine on pears trees post-harvest to conduct an applicator exposure study. A total of 200 acres are involved; the program is authorized only in the State of Washington. The experimental use permit is effective from September 22, 1987 to December 8, 1987. (Dennis Edwards, PM 12, Rm. 202, CM#2, (703-557-2386))

55947-EUP-1. Sandoz Crop Protection Corporation, 341 East Ohio St., Chicago, IL 60611. This experimental use permit allows the use of 309.4 pounds of the herbicide prodiamine on ornamental turf, ornamental nursery crops, and non-cropland sites to evaluate the control of various weeds. A total of 459 acres are involved; the program is authorized in the States of Alabama, Arizona,

Arkansas, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Washington, and Wisconsin and the District of Columbia. The experimental use permit is effective from October 7, 1987 to October 1, 1988. (Richard Muntfort, PM 23, Rm. 237, CM#2, (703-557-1830)).

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**Authority:** 7 U.S.C. 136c.

**Dated:** November 19, 1987.

**Edwin F. Tinsworth,**

*Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 87-27554 Filed 12-1-87; 8:45 am]

BILLING CODE 6560-50-M

[OPP-240078; FRL-3297-4]

**State Registration of Pesticides; Alabama et al.****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** EPA has received notices of registration of pesticides to meet special local needs under section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, from 30 States. A registration issued under this section of FIFRA shall not be effective for more than 90 days if the Administrator disapproves the registration or finds it to be invalid within that period. If the Administrator disapproves a registration or finds it to be invalid after 90 days, a notice giving that information will be published in the Federal Register.

**DATE:** The last entry for each item is the date the State registration of that product became effective.

**FOR FURTHER INFORMATION CONTACT:**

Owen F. Beeder, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Washington, DC.

Office location and telephone number: Rm. 716A, CM #2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-7893).

**SUPPLEMENTARY INFORMATION:** This notice only lists the section 24(c) applications submitted to the Agency. The Agency has 90 days to approve or disapprove each application listed in this notice. Applications that are not approved are returned to the appropriate State for action. Most of the registrations listed below were received by the EPA in August through October 1987. Receipts of State registrations will be published periodically. Of the following registrations, none involve a changed-use pattern (CUP). The term "changed-use pattern" is defined in 40 CFR 162.3(k) as a significant change from a use pattern approved in connection with the registration of a pesticide product. Examples of significant changes include, but are not limited to, changes from a nonfood to food use, outdoor to indoor use, ground to aerial application, terrestrial to aquatic use, and nondomestic to domestic use.

**Alabama**

*EPA SLN No. AL 87 0008.* Union Carbide. Registration is for Temik 15 G Aldicarb Pesticide to be used on pecans to control aphids and mites. September 3, 1987.

**Arizona**

*EPA SLN No. AZ 87 0018.* Pennwalt Corp. Registration is for Des-I-Cate to be used on alfalfa (seed crops only) to control potato vine and as a harvest aid. August 31, 1987.

**Arkansas**

*EPA SLN No. AR 87 0007.* Mobay Corp. Registration is for Monitor 4 to be used on cotton to control aphids, thrips, whiteflies, armyworms, cabbage loopers, lygus, and mites. October 26, 1987.

**California**

*EPA SLN No. CA 87 0017.* City of Stockton, Municipal Utilities Dept. Registration is for Abate 4-E to be used on sewage oxidation ponds to control aquatic midge larvae. August 18, 1987.

*EPA SLN No. CA 87 0020.* Santa Barbara County Department of Agriculture. Registration is for Orthene 75S to be used on gerberas (greenhouse grown) to control whiteflies, thrips, and leafminers. July 21, 1987.

*EPA SLN No. CA 87 0030.* San Diego County Department of Agriculture, Weights and Measures. Registration is for Pounce 3.2 EC to be used on greenhouse-grown ornamental nursery stock and cut flowers to control omnivorous leaf roller, beet armyworm, and tobacco budworm. July 21, 1987.

*EPA SLN No. CA 87 0031.* Platte Chemical Co. Registration is for Clean Crop Des-I-Cate Herbicide and Harvest Aid to be used on alfalfa grown for seed to control weeds. July 31, 1987.

*EPA SLN No. CA 87 0032.* San Diego County Department of Agriculture, Weights and Measures. Registration is for Safer Insecticidal Soap to be used on field- and greenhouse-grown herbs and species to control aphids, leafhoppers, mites, plant bugs, and whiteflies. August 26, 1987.

*EPA SLN No. CA 87 0033.* San Diego County Department of Agriculture, Weights and Measures. Registration is for Chipco 26019 Fungicide to be used on field- and greenhouse-grown calla lilies to control botrytis. August 11, 1987.

*EPA SLN No. CA 87 0034.* Humboldt County Agricultural Commissioner. Registration is for Roundup to be used on field-grown daffodils, irises, and lilies to control annual grasses and broadleaf weeds. August 20, 1987.

*EPA SLN No. CA 87 0035.* California Department of Water Resources. Registration is for Rodeo to be used on flood control channels to control alders, poison oak, wild roses, and willows. August 20, 1987.

*EPA SLN No. CA 87 0036.* Santa Barbara County Agricultural Commissioner. Registration is for Knock 'Um Off to be used as a harvest aid on flowers grown for seed. August 26, 1987.

*EPA SLN No. CA 87 0037.* San Joaquin Cherry Growers and Industrial Foundation. Registration is for Guthion 50 WP to be used on sweet cherries

(post harvest) to control mountain leafhoppers and cherry leafhoppers. August 27, 1987.

*EPA SLN No. CA 87 0039.* Siskiyou County. Registration is for Sencor DF to be used on potatoes (white skinned) to control redroot pigweed. August 26, 1987.

*EPA SLN No. CA 87 0040.* Kern County Agricultural Commissioner. Registration is for Avid 0.15 EC to be used on field roses to control leafminers and two-spotted spider mites. September 2, 1987.

*EPA SLN No. CA 87 0042.* San Diego County Department of Agriculture. Registration is for Baygon 2% to be used on offices, buildings, and institutions to control cockroaches and crickets. September 16, 1987.

*EPA SLN No. CA 87 0044.* Northrup King Co. Registration is for Clorox Liquid Bleach to be used on pepper seed to control bacterial spot. September 14, 1987.

*EPA SLN No. CA 87 0046.* San Diego County Department of Agriculture. Registration is for PT 270 Dursban to be used on office buildings and institutions to control ants, mosquitoes, cockroaches and other insects. September 16, 1987.

*EPA SLN No. CA 87 0047.* Tenneco West, Inc. Registration is for Roundup to be used on jojoba to control nutsedge, perennial morning glory, and silverleaf nightshade. September 23, 1987.

*EPA SLN No. CA 87 0049.* Entomology Department, University of California. Registration is for Uniroyal Dimilin 25W Insect Growth Regulator to be used on noncrop lakes, ponds, channels, etc. to control midges. September 21, 1987.

*EPA SLN No. CA 87 0062.* Merced County Agricultural Commissioner. Registration is for Vydate L to be used on bell peppers to control thrips and aphids. October 1, 1987.

*EPA SLN No. CA 87 0063.* Monterey County Department of Agriculture. Registration is for Kerb 50 W to be used on artichokes to control various weeds. October 9, 1987.

*EPA SLN No. CA 87 0065.* California Department of Parks and Recreation. Registration is for Garlon 4 Herbicide to be used on State and Federally managed desert lands to control tamarisk trees. October 7, 1987.

*EPA SLN No. CA 87 0066.* Humboldt County Agricultural Commissioner. Registration is for Surflan A.S. to be used on field-grown narcissus and iris bulbs to control broadleaf weeds. October 9, 1987.

*EPA SLN No. CA 87 0067.* Humboldt County Agricultural Commissioner. Registration is for Truban 25% EC to be used on field- and greenhouse-grown

tulips to control pythium. October 13, 1987.

#### Delaware

*EPA SLN No. DE 87 0002.* Union Carbide. Registration is for Larvin SC Thiodicarb Insecticide to be used on sweet corn to control armyworms, corn earworms, and European corn borers. August 20, 1987.

#### Florida

*EPA SLN No. FL 87 0011.* American Cyanamid Co. Registration is for Arsenal Herbicide to be used on noncrop fallow areas to control Brazilian peppertree and melaleuca. July 30, 1987.

*EPA SLN No. FL 87 0012.* ICI Americas, Inc. Registration is for Gramoxone Super Paraquat Herbicide to be used on avacados to control balsamapple vine annual weeds. July 30, 1987.

*EPA SLN No. FL 87 0013.* ICI Americas, Inc. Registration is for Gramoxone Super Paraquat Herbicide to be used on lettuce (post emergency) to control annual broadleaf weeds and grasses. July 30, 1987.

*EPA SLN No. FL 87 0014.* ICI Americas, Inc. Registration is for Gramoxone Super Paraquat Herbicide to be used on bahiagrass to control emerged little barley. July 30, 1987.

*EPA SLN No. FL 87 0015.* ICI Americas, Inc. Registration is for Gramoxone Super Paraquat Herbicide to be used on melons to control weeds. July 29, 1987.

*EPA SLN No. FL 87 0016.* D.A. Darnell Co., Public Health Products. Registration is for Pharaoh Guard to be used on nonfood areas of hospitals, nursing homes, and day care centers to control foraging ants. August 20, 1987.

#### Georgia

*EPA SLN No. GA 87 0006.* Dow Chemical. Registration is for Lorsban 4E Insecticide to be used on peanuts to control wireworms. October 19, 1987.

#### Hawaii

*EPA SLN No. HI 87 0004.* Hawaii Macadamia Nut Association. Registration is for Orthene 75 S to be used on Macadamia nuts to control thrips. September 21, 1987.

#### Idaho

*EPA SLN No. ID 87 0019.* Pennwalt Corp. Registration is for Des-I-Cate to be used on alfalfa to control various weeds. August 27, 1987.

#### Louisiana

*EPA SLN No. LA 87 0009.* American Cyanamid Co. Registration is for

Chopper Herbicide to be used on forestry land to control brush and woody species. August 17, 1987.

*EPA SLN No. LA 87 0010.* Mobay Corp. Registration is for Furadan 4F to be used on sorghum and corn grown for grain or forage to control chinch bug aphids and corn rootworms. August 18, 1987.

*EPA SLN No. LA 87 0011.* Mobay Corp. Registration is for Furadan 4F to be used on sugarcane to control wireworms. September 17, 1987.

#### Maine

*EPA SLN No. ME 87 0001.* Inter-Ag Corp. Registration is for Esteron 99 Concentrate to be used on blueberries to control lambkill and woody weeds. July 29, 1987.

#### Minnesota

*EPA SLN No. MN 87 0002.* Chevron Chemical Co. Registration is for Ortho Diquat Herbicide H/A to be used on potatoes for desiccation to facilitate harvest. July 27, 1987.

*EPA SLN No. MN 87 0003.* University of Minnesota. Registration is for Diquat 2L to be used on birdsfoot trefoil seed crop for desiccation of foliage prior to harvest. August 5, 1987.

#### Mississippi

*EPA SLN No. MS 87 0006.* ICI Americas, Inc. Registration is for Gramoxone Super Paraquat Herbicide to be used on soybeans to control red rice. April 8, 1987.

#### Montana

*EPA SLN No. MT 87 0004.* Gustafson, Inc. Registration is for Gustafson Flo-Pro IMZ Flowable Systemic Fungicide to be used on wheat and barley to control common root rot and barley leaf stripe. July 27, 1987.

*EPA SLN No. MT 87 0005.* Platte Chemical Co. Registration is for Clean Crop Trifluralin 4 EC to be used on rapeseed to control certain annual grasses and broadleaf weeds. August 14, 1987.

#### Nevada

*EPA SLN No. NV 87 0009.* Uniroyal Chemical Co., Inc. Registration is for Comite to be used on mint control spotted spider mite complex. July 30, 1987.

*EPA SLN No. NV 87 0010.* Nevada Department of Agriculture. Registration is for Gramoxone Super Herbicide to be used on alfalfa seed crops as a preharvest crop desiccant. July 31, 1987.

*EPA SLN No. NV 87 0012.* Elanco Products Co. Registration is for Treflan TR-10 to be used on alfalfa to control various weeds. October 2, 1987.

#### New Hampshire

*EPA SLN No. NH 87 0005.* Pfizer, Inc. Registration is for Terramycin Tree Injection Formula to be used on pear trees to control peach X-disease. August 18, 1987.

#### New Jersey

*EPA SLN No. NJ 87 0004.* Hartz Mountain Industries, Inc. Registration is for Rodeo Aquatic Herbicide to be used on meadowlands to control phragmites. September 16, 1987.

#### New Mexico

*EPA SLN No. NM 87 0008.* American Cyanamid Co. Registration is for Arsenal Herbicide to be used on noncrop and fallow areas to control woody species salt and cedar. June 3, 1987.

#### North Dakota

*EPA SLN No. ND 87 0011.* Gustafson, Inc. Registration is for Gustafson Flo-Pro IMZ Flowable Systemic Fungicide to be used on wheat and barley to control common root rot and barley leaf strips. August 24, 1987.

#### Oregon

*EPA SLN No. OR 87 0010.* American Cyanamid Co. Registration is for Arsenal Herbicide to be used on forestry lands to control hingleaf maple and red alder. August 18, 1987.

*EPA SLN No. OR 87 0012.* Union Oil Co. of California. Registration is for Enquik to be used on vineyards, tree fruit, and nut crops to control suckers. October 2, 1987.

#### Pennsylvania

*EPA SLN No. PA 87 0007.* FMC Corp. Registration is for Carbamate WDG to be used on grapes to control black rot. September 23, 1987.

#### Puerto Rico

*EPA SLN No. PR 87 0007.* Dow Chemical Inter-American, Ltd. Registration is for Tordon 101 to be used on pasture land to control various weeds. August 21, 1987.

#### South Dakota

*EPA SLN No. SD 87 0005.* Sandoz Crop Protection Corp. Registration is for Banvel Herbicide to be used on various crops to control broadleaf weeds between cropping. August 6, 1987.

*EPA SLN No. SD 87 0006.* Dow Chemical Co. Registration is for Lorsban 4E Insecticide to be used on perennial grass seed crops to control billbugs, cutworms, and aphids. September 15, 1987.

*EPA SLN No. SD 87 0007.* Mobay Corp. Registration is for Di-Syston to be used on native and tame grass to control aphids. September 18, 1987.

#### Tennessee

*EPA SLN No. TN 87 0010.* Chevron Chemical Co. Registration is for Ortho Diquat Herbicide to be used on fresh water lakes, reservoirs, rivers, drainage, and flood control canals to control submerged weeds. October 9, 1987.

#### Texas

*EPA SLN No. TX 87 0004.* Gustafson, Inc. Registration is for Gustafson Apron Dust Seed Protectant Fungicide to be used on seed dressing to control systemic downy mildews. August 19, 1987.

#### Utah

*EPA SLN No. UT 87 0002.* Elanco Products Co. Registration is for Treflan TR-10 to be used on alfalfa to control various weeds. August 31, 1987.

#### Virginia

*EPA SLN No. VA 87 0007.* Chevron Chemical Co. Registration is for Orthene 75S Soluble Powder to be used on Southern Pine Seed Orchards to control slash pine flower thrips. September 24, 1987.

*EPA SLN No. VA 87 0008.* Ciba-Geigy Corp. Registration is for Ridomil 2E Fungicide to be used on beans to control pythium blight. September 29, 1987.

#### Washington

*EPA SLN No. WA 87 0031.* Unocal Corp. Registration is for N-Tac Desiccant/Herbicide to be used on peas and lentils as a preharvest desiccant. July 28, 1987.

*EPA SLN No. WA 87 0032.* Helena Chemical Co. Registration is for Helena Dimethoate 267 EC to be used on cherries to control cherry fruit flies. August 17, 1987.

*EPA SLN No. WA 87 0033.* Helena Chemical Co. Registration is for Helena Dimethoate 25% WP to be used on grapes to control grape leafhoppers and Pacific spider mites. August 17, 1987.

*EPA SLN No. WA 87 0034.* J.R. Simplot Co. Registration is for Metam to be used on potatoes to control root knot nematode and verticillium dahliae. August 18, 1987.

*EPA SLN No. WA 87 0035.* American Cyanamid Co. Registration is for Arsenal Herbicide to be used on forestry land to control bigleaf maple and red alder. August 18, 1987.

*EPA SLN No. WA 87 0036.* Pennwalt Corp. Registration is for Des-I-Cate to be used on alfalfa grown for seed to control various weeds. August 28, 1987.

*EPA SLN No. WA 87 0037.* ICI Americas, Inc. Registration is for Gramoxone Super Herbicide to be used on winter wheat only to control volunteer rye and downy brome (cheatgrass). September 9, 1987.

*EPA SLN No. WA 87 0038.* ICI Americas, Inc. Registration is for Gramoxone Super Herbicide to be used on alfalfa to control certain grass and broadleaf weeds. September 9, 1987.

*EPA SLN No. WA 87 0039.* ICI Americas, Inc. Registration is for Gramoxone Super Herbicide to be used on alfalfa to control certain grass and broadleaf weeds. September 9, 1987.

*EPA SLN No. WA 87 0040.* ICI Americas, Inc. Registration is for Gramoxone Super Herbicide to be used on alfalfa to control certain broadleaf weeds. September 9, 1987.

*EPA SLN No. WA 87 0041.* ICI Americas, Inc. Registration is for Gramoxone Super Paraquat to be used on dormant mint to control emerged and annual broadleaf weeds and grasses. September 9, 1987.

#### Wisconsin

*EPA SLN No. WI 87 0005.* Chevron Chemical Co. Registration is for Ortho Diquat Herbicide H/A to be used on potato plants for desiccation to facilitate harvest. July 31, 1987.

*EPA SLN No. WI 87 0006.* E.I. du Pont de Nemours & Co., Inc. Registration is for Du Pont Vydate L Insecticide/Nematicide to be used on mint to control mint nematodes and root lesion nematodes. June 10, 1987.

(Sec. 24 as amended, 92 Stat. 835 (7 U.S.C. 136))

Dated: November 20, 1987.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 87-27555 Filed 12-1-87; 8:45 am]

BILLING CODE 6560-05-M

### FEDERAL DEPOSIT INSURANCE CORPORATION

#### Information Collection Submitted to OMB for Review

**AGENCY:** Federal Deposit Insurance Corporation.

**ACTION:** Notice of Information Collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

*Title of Information Collection:* Survey of Impact of Market Downturn on Selected Banks.

*Background:* In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it

has submitted to the Office of Management and Budget a request for OMB review for the information collection system identified above.

**ADDRESS:** Written comments regarding the submission should be addressed to Robert Fishman, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 and to Margaret M. Olsen, Deputy Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429.

*Comments:* Comments on this collection of information should be submitted on or before December 17, 1987.

#### FOR FURTHER INFORMATION CONTACT:

Requests for a copy of the submission should be sent to Margaret M. Olsen, Deputy Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429, telephone (202) 898-3812.

**SUMMARY:** The FDIC is requesting OMB approval of a one-time telephone survey of approximately 215 insured state nonmember banks in order to determine whether the recent stock market downturn affected the banks and their local economies. The FDIC will use this information in its supervisory and regulatory program planning. It is estimated that the total reporting burden on the respondents, collectively, will be 18 hours.

Dated: November 20, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-27615 Filed 12-1-87; 8:45 am]

BILLING CODE 6714-01-M

### Information Collection Submitted to OMB for Review

**AGENCY:** Federal Deposit Insurance Corporation.

**ACTION:** Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

*Title of Information Collection:* Reporting on Deposits Placed by Deposit Brokers and Financial Institutions (OMB No. 3064-0074).

*Background:* In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a request for OMB review for the information collection system identified above.

**ADDRESS:** Written comments regarding the submission should be addressed to Robert Fishman, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Margaret M. Olsen, Deputy Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429.

**Comments:** Comments on this collection of information should be submitted on or before December 17, 1987.

**FOR FURTHER INFORMATION CONTACT:** Requests for a copy of the submission should be sent to Margaret M. Olsen, Deputy Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429, telephone (202) 898-3812.

**SUMMARY:** The FDIC is requesting OMB to extend, for a three-year period, the collection of information imposed on insured banks by § 304.6 of FDIC's regulations, 12 CFR 304.6 (OMB No. 3064-0074), with a revised frequency. The FDIC is changing from monthly to quarterly the frequency with which each FDIC insured bank with combined fully insured brokered deposits and fully insured deposits placed directly by depository institutions in excess of either the bank's total capital and reserves or five percent of the bank's total deposits must report its holdings of such deposits to the FDIC. The aggregate annual burden for this collection is estimated to be 2,876 hours, a reduction of 5,734 hours annually.

Dated: November 25, 1987.  
Federal Deposit Insurance Corporation.  
Hoyle L. Robinson,  
Executive Secretary.  
[FR Doc. 87-27699 Filed 12-1-87; 8:45 am]  
BILLING CODE 6714-01-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### NUCLEAR REGULATORY COMMISSION

#### Interim-Use Document; Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants (Criteria for Utility Offsite Planning and Preparedness)

The Nuclear Regulatory Commission (NRC) and the Federal Emergency Management Agency (FEMA) have jointly developed an interim-use document entitled: Criteria for Preparation and Evaluation of Radiological Emergency Response Plans

and Preparedness in Support of Nuclear Power Plants (Criteria for Utility Offsite Planning and Preparedness). The document has been published as Supplement 1 to NUREG-0654/FEMA-REP-1, Rev. 1. The guidance contained in this document is to be used for the development, review and evaluation of offsite utility radiological emergency planning and preparedness for accidents at commercial nuclear power plants. It applies to situations in which State and/or local governments decline to participate in the planning and preparedness process for such accidents. This document is available for interim use, public review and comment.

While this document contains changes and additions to the evaluation criteria of NUREG-0654/FEMA-REP-1, Rev. 1, no changes have been made to its 16 planning standards. The existing evaluation criteria have been modified to address utility-developed compensatory measures resulting from the non-participation of State and/or local governments in emergency planning and preparedness.

One free copy, to the extent of available supply, is obtainable by writing to: Document Control Branch, Distribution Section, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Comments should be sent by February 29, 1988 to: David Meyer, Chief, Rules and Procedures Branch, Mail Stop 4000 MNBB, Washington, DC 20555. Comments may be sent through the mail or hand-carried to this address between the hours of 7:30 a.m. to 4:15 p.m.

**FOR FURTHER INFORMATION CONTACT:** Marshall E. Sanders, Chief, Program Development Branch, Technological Hazards Division, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472 (telephone: 202-646-2861); or David B. Matthews, Chief, Emergency Preparedness Branch, Nuclear Regulatory Commission, Washington, DC 20555 (telephone: 301-492-9647).

Dated this 19th day of November, 1987, at Washington, DC.  
Frank J. Congel,  
Director, Division of Radiation Protection and Emergency Preparedness, Office of Nuclear Reactor Regulations, U.S. Nuclear Regulatory Commission.

Richard W. Krimm,  
Assistant Associate Director, Office of Natural and Technological Hazards, State and Local Programs and Support, Federal Emergency Management Agency.  
[FR Doc. 87-27112 Filed 11-27-87; 8:45 am]

BILLING CODE 6718-20-M

## FEDERAL MARITIME COMMISSION

### Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

*Agreement No.:* 213-010942-001.

*Title:* Barber Blue Sea/ScanCarriers Agreement.

*Parties:*

Barber Blue Sea  
ScanBarber A/S  
ScanCarriers

*Synopsis:* The proposed amendment authorizes the parties to divide net results and to agree upon rates, terms and conditions for cargoes moving on voyages as to which net results are divided. It also adds a provision to protect ScanCarriers against a possible deterioration of its net results due to an increase in the number and capacity of vessels, and the frequency of sailings.

By Order of the Federal Maritime Commission.

Dated: November 27, 1987.

Joseph C. Polking,  
Secretary.

[FR Doc. 87-27629 Filed 12-1-87; 8:45 am]  
BILLING CODE 6730-01-M

### Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice

appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

*Agreement No.:* 224-004068-001.

*Title:* Puerto Rico Ports Authority Terminal Agreement.

*Parties:*

Puerto Rico Ports Authority  
International Shipping Agency, Inc.

*Synopsis:* The proposed agreement renews the basic agreement for the lease of the berthing platform of Pier #11, warehouse space, ramp area and open space. The agreement will terminate on October 11, 1988.

By Order of the Federal Maritime Commission.

Joseph C. Polking,  
Secretary.

Dated: November 27, 1987.

[FR Doc. 87-27630 Filed 12-1-87; 8:45 am]

BILLING CODE 6730-01-M

**Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance); Aloha Pacific Cruises Limited Partnership et al.**

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540): Aloha Pacific Cruises Limited

Partnership, and S.S. Monterey Limited Partnership, c/o James L. Kurtz, P.C., Dickinson, Wright, Moon, Van Dusen & Freeman, 1901 L Street, NW., Suite 801, Washington, DC 20036.

Joseph C. Polking,

Secretary.

Date: November 27, 1987.

[FR Doc. 87-27631 Filed 12-1-87; 8:45 am]

BILLING CODE 6730-01-M

**Security for the Protection of the Public to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Issuance of Certificate (Casualty); Discovery Cruises, Inc. et al.**

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet

Liability Incurred for Death or Injury to Passenger or Other Persons on Voyages pursuant to the provisions of section 2, Pub. L. 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Discovery Cruises, Inc., Discovery Cruises, Ltd., and Bajamar Shipping, Ltd., c/o Holland & Knight, 1200 Brickell Avenue, Miami, Florida 33131.

Joseph C. Polking,

Secretary.

Date: November 27, 1987.

[FR Doc. 87-27632 Filed 12-1-87; 8:45 am]

BILLING CODE 6730-01-M

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. 87C-0316]

**Filing of Color Additive Petition; Hoffmann-La Roche, Inc.**

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that Hoffmann-La Roche, Inc., has filed a petition proposing that the color additive regulations be amended to provide for the safe use of astaxanthin as a color additive in the feed of salmonid fish.

**FOR FURTHER INFORMATION CONTACT:** Joseph Leginus, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-5487.

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug and Cosmetic Act (sec. 706(d)(1), 74 Stat. 402-403 (21 U.S.C. 376(d)(1))), notice is given that a petition (CAP 7C0211) has been filed by Hoffmann-La Roche, Inc., 340 Kingsland St., Nutley, NJ 07110, proposing that Part 73 of the color additive regulations be amended to provide for the safe use of astaxanthin as a color additive in the feed of salmonid fish.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the *Federal Register* in accordance with 21 CFR 25.40(c).

Dated: November 19, 1987.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 87-27607 Filed 12-1-87; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 87F-0366]

**Ciba-Geigy Corp.; Filing of Food Additive Petition**

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of tris(2,4-di-tert-butylphenyl)phosphite as a stabilizer in lubricants with incidental food contact.

**FOR FURTHER INFORMATION CONTACT:** Gillian Robert-Baldo, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 8B4046) has been filed by Ciba-Geigy, Three Skyline Dr., Hawthorne, NY 10532, proposing that § 178.3570 *Lubricants with incidental food contact* (21 CFR 178.3570) be amended to provide for the safe use of tris(2,4-di-tert-butylphenyl)phosphite as a stabilizer in lubricants with incidental food contact.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the *Federal Register* in accordance with 21 CFR 25.40(c).

Dated: November 19, 1987

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 87-27608 Filed 12-1-87; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 87F-0333]

**Kelco Division of Merck & Co., Inc.; Filing of Food Additive Petition**

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that Kelco Division of Merck & Co., Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of gellan gum as a stabilizer and thickener in foods, generally.

**FOR FURTHER INFORMATION CONTACT:** Blondell Anderson, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 7A4022) has been filed by Kelco Division of Merck & Co., 8355 Aero Dr., San Diego, CA 92123, proposing that 21 CFR Part 172—Food Additives Permitted for Direct Addition to Food for Human Consumption be amended to provide for the safe use of gellan gum as a stabilizer and thickener in foods, generally.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the *Federal Register* in accordance with 21 CFR 25.40(c).

Dated: November 19, 1987.

**Richard J. Ronk,**

*Acting Director, Center for Food Safety and Applied Nutrition.*

[FR Doc. 87-27609 Filed 12-1-87; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 87N-0229]

**Opportunity for Hearing on Proposal to Withdraw Approval of a New Drug Application for an Anthelmintic Drug Product**

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is providing an opportunity for hearing on a proposal to withdraw approval of a new drug application (NDA) for an anthelmintic drug product that has been established as generally recognized as safe and effective in a final over-the-counter (OTC) drug monograph under 21 CFR Part 330 and is no longer considered to be a "new drug" as defined in section

201(p) of the Federal Food, Drug, and Cosmetic Act (the act). Products that are not considered "new drugs" do not require an approved NDA for marketing.

**DATES:** Hearing requests are due on January 4, 1988; data or information in support of hearing requests are due on February 1, 1988.

**ADDRESS:** Requests for hearing, supporting data, and other comments should be identified with Docket No. 87N-0229, and submitted to: Dockets Management Branch (HFA-305), Rm. 4-62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** William E. Gilbertson, Center for Drug Evaluation and Research (HFN-210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8000.

**SUPPLEMENTARY INFORMATION:** In the *Federal Register* of August 1, 1986 (51 FR 27756), FDA published a final monograph for OTC anthelmintic drug products. That monograph became effective on February 2, 1987, and establishes the conditions under which OTC anthelmintic drug products are generally recognized as safe and effective and are not misbranded, and which therefore may be marketed without an approved NDA. After February 2, 1987, and OTC anthelmintic drug product must either comply with such conditions or, if it does not, be considered a new drug and be shown to be safe and effective and not misbranded for its claimed uses pursuant to an approved NDA.

Section 201(p) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(p)) defines a "new drug as "any drug" \* \* \* the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling thereof, \* \* \* ; or \* \* \* has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions." Under section 505(a) of the act (21 U.S.C. 355(a)), a new drug may not be introduced or delivered for introduction into interstate commerce unless an approved application is effective with respect to such drug.

It is unnecessary for any manufacturer or distributor of a drug product that complies with the requirements of the final OTC drug monograph to submit a supplemental, abbreviated, or full NDA covering such a product. In accordance

with 21 CFR 330.10, any such product may lawfully be marketed without an approved NDA. Accordingly, reformulation and/or relabeling, without prior agency approval, to meet the requirements of the final OTC drug monograph is sufficient for the lawful marketing of any OTC anthelmintic drug product subject to the monograph.

The agency has classified gentian violet and hexylresorcinol as nonmonograph ingredients for anthelmintic use. All NDA's for the use of these ingredients as an anthelmintic have been withdrawn prior to the publication of this notice.

One prescription drug product subject to an NDA was submitted by its manufacturer for consideration under the OTC drug review. The ingredient and all the indications for use that were subject to that NDA are now included in the final monograph for OTC anthelmintic drug products. This drug product when marketed pursuant to the conditions of the final monograph for OTC anthelmintic drug products is no longer a new drug and, therefore, is not eligible for an NDA under section 505 of the act (21 U.S.C. 355). Accordingly, the agency is proposing to withdraw approval for the following NDA for this product.

NDA	Drug	Firm
16-883	Antiminth (Pyrantel Pamoate).	Roerig Division, Pfizer, Inc., New York, NY 10017.

Therefore, notice is hereby given to the holder of the NDA identified above and all other interested persons that the Director of the Center for Drug Evaluation and Research, proposes to issue an order under section 505(e) of the act (21 U.S.C. 355(e)), withdrawing approval of the NDA and all amendments and supplements thereto. The Director is proposing to withdraw this NDA on the grounds that FDA's publication of the final monograph for OTC anthelmintic drug products determined the conditions of safety and effectiveness within the meaning of 21 CFR Part 330 and thereby established that the drug ingredient is considered generally recognized by qualified experts as safe and effective for use as an anthelmintic by the public and is not misbranded. Accordingly, the agency has determined that pyrantel pamoate for anthelmintic use is not a "new drug" as defined in section 201(p) of the act. This notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310 and 314), the applicant is hereby given an opportunity for a hearing to show why approval of the new drug application should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of the drug product named above.

An applicant who decides to seek a hearing shall file: (1) On or before January 4, 1988 a written notice of appearance and request for hearing; and (2) on or before February 1, 1988 the data, information, and analyses relied on to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing; a notice of appearance and request for hearing; a submission of data, information, and analyses to justify a hearing; other comments; and a grant or denial of hearing are contained in 21 CFR 314.200.

The failure of an applicant to file timely written notice of appearance and request for hearing, as required by 21 CFR 314.200, constitutes an election by that person not to use the opportunity for a hearing concerning the action proposed, and a waiver of any contentions concerning the legal status of that person's drug product. Any such drug product may not lawfully be marketed except in compliance with Subpart B of 21 CFR Part 357. The Food and Drug Administration will initiate appropriate regulatory action to remove such noncomplying drug products from the market promptly after the applicable effective date of the final monograph or after a final decision is reached on this proposal to withdraw any affected NDA, as the situation may be.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, summary judgment will be entered against the person(s) who requests the hearing, making findings and conclusions, and denying a hearing.

All submissions pursuant to this notice shall be filed in triplicate, with the Docket Management Branch, Food

and Drug Administration (HFA-305), Room 4-62, 5600 Fishers Lane, Rockville, MD 20857.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. Any scheduled oral hearing will be announced in the **Federal Register**.

This notice is issued pursuant to provisions of the Federal, Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended (21 U.S.C. 355)), and under the authority delegated to the Director of the Center for Drug Evaluation and Research (21 CFR 5.82).

Dated: November 22, 1987.

**Carl Peck,**

*Director, Center for Drug Evaluation and Research.*

[FR Doc. 87-27610 Filed 12-1-87; 8:45 am]

BILLING CODE 4160-01-M

#### National Institutes of Health

##### National Heart, Lung, and Blood Institute; Meeting of the National High Blood Pressure Education Program Coordinating Committee

Notice is hereby given of the meeting of the National High Blood Pressure Education Program Coordinating Committee, sponsored by the National Heart, Lung, and Blood Institute, on January 22, 1988, from 8:30 a.m. to 1 p.m., at the Bethesda Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, Maryland 20814, (301) 657-1234.

The entire meeting is open to the public. The Coordinating Committee is meeting to define the priorities, activities, and needs of the participating groups in the National High Blood Pressure Education Program. Attendance by the public will be limited to space available.

For the detailed program information, agenda, list of participants, and meeting summary, contact: Dr. Edward J. Roccella, Coordinator, National High Blood Pressure Education Program, Office of Prevention, Education, and Control, National Heart, Lung, and Blood Institute, National Institutes of Health, Building 31, Room 4A05, Bethesda, Maryland 20892, (301) 496-0554.

Dated: November 24, 1987.

**James B. Wyngaarden,**

*Director, NIH.*

[FR Doc. 87-27665 Filed 12-1-87; 8:45 am]

BILLING CODE 4140-01-M

#### National Institute of Arthritis and Musculoskeletal and Skin Diseases; Amended Meeting Notice

Notice is hereby given that the November 12, 1987, meeting of the Arthritis and Musculoskeletal and Skin Diseases Special Grants Review Committee (AMS) of the National Institute of Arthritis and Musculoskeletal and Skin Diseases was cancelled due to inclement weather.

Due to prior commitments of several members, the meeting has been rescheduled as a closed telephone conference for December 15, 1987. The conference will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and sec. 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual research grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 13.846, project grants in arthritis, musculoskeletal and skin diseases research, National Institutes of Health)

Dated: November 24, 1987.

**Betty J. Beveridge,**

*Committee Management Officer, NIH.*

[FR Doc. 87-27666 Filed 12-1-87; 8:45 am]

BILLING CODE 4140-01-M

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### Office of Administration

[Docket No. N-87-1758]

##### Submission of Proposed Information Collections to OMB

**AGENCY:** Office of Administration, HUD.  
**ACTION:** Notices.

**SUMMARY:** The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

**ADDRESS:** Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New

Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:**

David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 755-6050. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total number of hours needed to prepare the information submission; (8) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

**Notice of Submission of Proposed Information Collection to OMB**

**Proposal:** RECLAIM Rehabilitation Demonstration

**Office:** Policy Development and Research

**Description of the Need for the Information and Its Proposed Use:** The RECLAIM Rehabilitation demonstration is intended to assist cities to make effective use of a number of innovative rehabilitation concepts which can streamline the rehabilitation process through local public/private cooperation, technical innovation, city-wide strategic planning, and innovative financing approaches. Cities contribute their own resources to carry out the selected activities.

**Form number:** None

**Respondents:** State or Local Governments

**Frequency of Respondents:** On Occasion

**Estimated Burden Hours:** 140

**Status:** New

**Contact:** William A. Wisner, HUD, (202) 755-4370; John Allison, OMB, (202) 395-6880

**Authority:** Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act 42 U.S.C. 3535(d).

**Dated:** October 30, 1987.

**Proposal:** Annual Inspection of Insured Projects

**Office:** Housing

**Description of the Need for the Information and Its Proposed Use:** Pursuant to 24 CFR Part 207.260(s), HUD mortgage insurance programs require mortgagees to annually inspect each insured project and give HUD and the project owner a report on that inspection. The form is used by HUD to monitor and enforce the mortgagee's compliance with the annual inspection requirements.

**Form number:** HUD-9822

**Respondents:** Businesses or Other For-Profit

**Frequency of Response:** Annually

**Estimated Burden Hours:** 30,000

**Status:** New

**Contact:** James J. Tahash, HUD, (202) 426-3944; John Allison, OMB, (202) 395-6880

**Authority:** Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

**Dated:** October 30, 1987.

**Proposal:** Proposed Rule—Increase in the Single Person Occupancy Limitation

**Office:** Housing

**Description of the Need for the Information and Its Proposed Use:** Section 202 of the Housing and Urban-Rural Recovery Act of 1983 is amended to increase the single person occupancy limitation. Owners and agents of all Section 8 projects are required to notify HUD when a particular project does not exceed the 15 percent limitation. Owners and agents can request HUD's approval to exceed the 15 percent limitation so that units will be made available to single persons and not be vacant for long periods.

**Form Number:** None

**Respondents:** Businesses or Other For-Profit

**Frequency of Response:** On Occasion

**Estimated Burden Hours:** 343

**Status:** New

**Contact:** Judith L. Lemeshewsky, HUD, (202) 426-3944; John Allison, OMB, (202) 395-6880

**Authority:** Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

**Dated:** November 23, 1987.

**Proposal:** Monthly Digest of Current Housing Situation—Quarterly Supplement

**Office:** Housing

**Description of the Need for the Information and Its Proposed Use:** Under the National Housing Act of 1983, Section 402, HUD in setting maximum FHA interest rates on FHA loans insured under Section 235, shall take into consideration current financing and maturity trends for these loans. HUD needs this information to provide a timely series of comprehensive information detailing interest rates and the availability of financing for FHA-insured and conventional first mortgage home loans.

**Form Number:** HUD-2499 and 2499A

**Respondents:** Businesses or Other For-Profit

**Frequency of Response:** Monthly and Quarterly

**Estimated Burden Hours:** 800

**Status:** Extension

**Contact:** James M. Schneider, HUD, (202) 755-7270; John Allison, OMB, (202) 395-6880

**Authority:** Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

**Dated:** November 20, 1987.

**Proposal:** Transmittal for Payment of One-Time Mortgage Insurance Premiums (OTMIP)

**Office:** Administration

**Description of the Need for the Information and Its Proposed Use:** The form is prepared by HUD-approved mortgagees to provide remitter and mortgage data to HUD with payments of one-time mortgage insurance premiums. The data are used to record the collections, acknowledge receipts, and confirm sufficiency and/or accuracy of the funds and data received.

**Form Number:** HUD-27001

**Respondents:** Businesses or Other For-Profit

**Frequency of Response:** On Occasion

**Estimated Burden Hours:** 55,000

**Status:** Extension

**Contact:** Robert E. Wiggins, HUD, (202) 755-8238; John Allison, OMB, (202) 395-6880

**Authority:** Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

**Dated:** November 20, 1987.

**Proposal: Mortgagor's Certificate of Actual Cost****Office:** Housing**Description of the Need for the****Information and Its Proposed Use:**

Section 227 of the National Housing Act and Section 814 of the Housing Act of 1954 authorize the mortgagors to submit this report certifying to its actual cost of labor, materials, etc., in order for HUD to make a determination of mortgage insurance acceptability. The actual data are reviewed by HUD to determine that the mortgagor's originally endorsed mortgage is supported by the applicable percentage of approved costs.

**Form Number:** HUD-92330**Respondents:** Businesses or Other For-Profit and Non-Profit Institutions**Frequency of Response:** On Occasion**Estimated Burden Hours:** 6,160**Status:** Reinstatement

**Contact:** Genevieve A. Tucker, HUD,  
(202) 426-0283; John Allison, OMB,  
(202) 395-6880

**Authority:** Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: November 20, 1987.

**John T. Murphy,**

*Director, Information Policy and Management Division.*

[FR Doc. 87-27694 Filed 12-1-87; 8:45 am]

BILLING CODE 4210-01-M

**Office of the Regional Administrator—Regional Housing Commissioner**

[Docket No. D-87-868]

**Acting Regional Administrator, Region IV (Atlanta); Designation****AGENCY:** Department of Housing and Urban Development.**ACTION:** Designation.

**SUMMARY:** Updates the designation of officials who may serve as Acting Regional Administrator for Region IV.

**EFFECTIVE DATE:** October 19, 1987.**FOR FURTHER INFORMATION CONTACT:**

Henry E. Rollins, Director, Management Systems Division, Office of Administration, Atlanta Regional Office, Department of Housing and Urban Development, Room 634, Richard B. Russell Federal Building, 75 Spring Street, SW., Atlanta, Georgia 30303-3388, 404-331-5199.

**Designation of Acting Regional Administrator for Region IV**

Each of the officials appointed to the following positions is designated to

serve as Acting Regional Administrator during the absence of, or vacancy in the position of, the Regional Administrator, with all the powers, functions, and duties redelegated or assigned to the Regional Administrator: Provided, That no official is authorized to serve as Acting Regional Administrator unless all other employees whose names or titles precede his/hers in this designation are unable to serve by reason of absence:

1. Deputy Regional Administrator.
2. Director, Office of Housing.
3. Director, Office of Administration.
4. Director, Office of Public Housing.
5. Director, Office of Community Planning and Development.
6. Executive Assistant to the Regional Administrator.
7. Regional Counsel.
8. Georgia Program Coordinator.
9. Director, Office of Fair Housing and Equal Opportunity.
10. Director, Program Planning and Evaluation.
11. Director, Operational Support Division.

This designation supersedes the designation effective May 19, 1987, (52 FR 20788, June 3, 1987).

(Delegation of Authority by the Secretary effective May 4, 1962, (27 FR 4319, May 4, 1963); Dept. Interim Order II (31 FR 815, January 21, 1966).)

This designation shall be effective as of October 19, 1987.

**Raymond A. Harris,**

*Regional Administrator-Regional Housing Commissioner, Region IV (Atlanta).*

[FR Doc. 87-27693 Filed 12-1-87; 8:45 am]

BILLING CODE 4210-01-M

**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs****Availability of a Final Environmental Impact Statement; Cabazon Indian Reservation, CA****AGENCY:** Bureau of Indian Affairs, Interior.**ACTION:** Notice of availability.

**SUMMARY:** This notice advises the public that the Final Environmental Impact Statement (FEIS) is available for public review. Colmac Energy, Inc. (Colmac) proposes to build a 45 MW (net) biomass fueled electric power plant on approximately 103 acres of leased land on the Cabazon Indian Reservation. The plant will be located adjacent to State Highway 111 and the Southern Pacific Railroad mainline about one mile north of the town of Mecca in south central Riverside County, California. Fuel for the plant will consist of agricultural

residues, commercial wood waste, and municipal tree trimmings. No garbage or used tires will be utilized as fuel for the plant. The fuel will be combusted in a fluidized bed boiler to produce steam which will drive a conventional turbine-generator. Electric power will be sold to the Southern California Edison Utility under a power sales agreement. The project will provide offsets for air emissions by eliminating open field burning now being used to dispose of agricultural residues. This notice of availability is being furnished in fulfillment of the requirements of the National Environmental Policy Act (NEPA) regulations (40 CFR 1502.19, 1506.6), BIA NEPA Handbook Sec. 6.3K.

**DATE:** Written comments may be submitted on the Final Environmental Impact Statement. Comments should be received by January 4, 1988.

**ADDRESS:** Written comments should be addressed to Mr. Maurice Babby, Area Director, Sacramento Area Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825.

**FOR FURTHER INFORMATION CONTACT:** Mr. Donald Knapp, Area Environmental Coordinator, Sacramento Area Office, Bureau of Indian Affairs, Sacramento, California 95825—Telephone: (916) 978-4703 or FTS 460-4703.

Copies of this FEIS are available for review at:

1. McCandless Memorial Library, Reference Counter, 200 Civic Center Mall, Indio, California. (Hours: M, T, TH—10:00 a.m. to 9:00 p.m. and W, F, Sat.—10:00 a.m. to 6:00 p.m.)
2. Mecca Library, Mecca, California. (Hours M, W, Sat.—9:00 a.m. to 1:00 p.m. and T, TH—1:00 p.m. to 5:00 p.m.)
3. Palm Springs Main Library, 300 S. Sunrise Way, Palm Springs, California. (Hours: M, T, W, Sat.—9:00 a.m. to 5:00 p.m. and TH—9:00 a.m. to 8:00 p.m. and F—10:00 a.m. to 5:30 p.m.)
4. Coachella Branch, Riverside County Library, 1538 7th Street, Coachella, California. (Hours: M—2:00 p.m. to 7:00 p.m. and T, Th—10:00 a.m. to 6:00 p.m. and Sat.—10:00 a.m. to 2:00 p.m.)

A copy will also be available for review at the following offices:

1. Mr. George R. Farris, Chief, Environmental Services Staff, Room 343 SIB, Bureau of Indian Affairs, 1951 Constitution Ave., NW., Washington, DC—Telephone: (202) 343-6574
2. Mr. Donald B. Knapp, Sacramento Area Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, CA—Telephone: (916) 978-4703
3. Mr. Tom Dowell, Superintendent, Southern California Agency, Bureau of Indian Affairs, 3600 Lime Street, Suite

722, Riverside, CA 92501—Telephone (714) 351-6624

4. Mr. John Paul Nichols, Cabazon Indian Reservation, 84245 Indio Springs Drive, Indio, CA 92201—Telephone: (619) 342-2583

Copies have been sent to all agencies and individuals who agency records indicate participated in the scoping process and to all others who requested copies. A limited number of additional copies are available for distribution to interested agencies and the public. Persons interested in obtaining a copy should contact Mr. Donald Knapp as soon as possible.

**SUPPLEMENTARY INFORMATION:** The Bureau of Indian Affairs (BIA), has prepared a FEIS concerning construction of a biomass fueled power plant at a site on the Cabazon Indian Reservation near Mecca, California. This EIS will support a review of the project by BIA and could also be used as an Environmental Impact Report if required by any agency with an approval responsibility subject to the California Environmental Quality Act. The Cabazon Band of Mission Indians, acting through its Business Council, has entered into a lease with Colmac for this purpose, pursuant to a tribal resolution passed in August 1986. Such leases are subject to BIA approval (25 U.S.C. 415). Also, BIA must finally approve construction of the facility before it may be constructed and operated in accordance with the terms of the lease.

The proposed facility would be located on the Cabazon Indian Reservation east of State Highway 111 approximately 10 miles southeast of Coachella and about one mile northwest of Mecca in Riverside County, California. The plant would convert approximately 400,000 wet tons per year of truck delivered biomass fuel (tree trimmings, orchard prunings, date palm fronds, grasses, ferns, straws, and commercial wood wastes) into approximately 45 (net) MW of electricity. The electricity will be sold to the Southern California Electric Utility pursuant to an existing power sale contract. A new 92 kV transmission line to be constructed, owned and operated by the Imperial Irrigation District will be used to interconnect with the Southern California Edison Grid.

The plant's water requirements (approximately 1,100 acre feet per year) would be obtained from on site groundwater wells. Wastewater would be treated on-site and utilized for on-site, non-potable domestic use, dust suppression and possible landscape irrigation. Treatment and disposal will be in accordance with state and local

requirements, including those of the Colorado River Basin Water Quality Control Board. Air emissions will be controlled in accordance with Federal, state and regional air quality standards. Separate approval from the Environmental Protection Agency will be required. The plant will utilize open field burning credits to offset all emitted non-attainment air pollutants and their precursors. Ash produced by the plant (approximately 20,000 tons per year) will be managed in accordance with California Department of Health Services procedures and will either be land filled or used as an agricultural soil amendment.

The proposed action will improve and diversify the economic base of the Cabazon Band of Mission Indians. The project would also add to long term renewable energy supplies in California, and decrease reliance upon imported oil.

This action will result in increased truck traffic in the immediate area, and as a new source of air emissions from the plant. However, the non-attainment pollutants (and their precursors) emitted by the plant would be totally offset through elimination of open field burning of agricultural residues. The project would generate 20,000 tons per year of ash, but would substantially reduce demands on landfills created by the current practice of the disposal of wood wastes.

The principal alternatives analyzed in the FEIS are to build the project as planned, build a smaller project, or not to build the project.

Other Government agencies and members of the public contributed to the planning and evaluation of this proposal and to the preparation of this FEIS. The Notice of Intent to prepare this EIS was published in the September 12, 1986 *Federal Register*. A public scoping meeting was held on September 10, 1986. Written scoping comments were also solicited from a large number of local, state and Federal agencies by newspaper notices published on October 21-23, 1986, and by letters transmitted on or about October 17, 1986. An informal interagency workshop was held on March 12, 1987, in Riverside, California. The notice of availability of the Draft EIS was published August 12, 1987, in the *Federal Register* and written comments were due within 60 days thereafter. A public hearing was noticed by publication in the *Federal Register* on August 12, 1987 (52 FR 29893) and in the *Desert Sun* and *Indio News* on August 20, 1987. The hearing was held on September 10, 1987, at the Cabazon Indian Reservation near Indio, California.

Date: November 25, 1987.

W.P. Ragsdale,

*Assistant Secretary—Indian Affairs.*

[FR Doc. 87-27604 Filed 12-1-87; 8:45 am]

BILLING CODE 4310-02-M

# **Blackfeet Irrigation Project, Montana; Proposed Increase to the Blackfeet Irrigation Operation and Maintenance Charges**

**AGENCY:** Blackfeet Agency, Bureau of Indian Affairs, Interior.

**ACTION:** Public notice.

**SUMMARY:** This notice sets forth that the Blackfeet Irrigation Project operation and maintenance fee beginning Calendar Year 1988 will be \$7.50 per assessable acre. Any changes to the operation and maintenance fee must be authorized by the Billings Area Director and filed in the *Federal Register* Notice.

Outside Water Contracts will be required to pay the operation and maintenance charges.

Excess water charges will be \$3.75 per acre.

The due date for all operation and maintenance charges will be May 1 of each calendar year.

Interest and/or penalty fees will be assessed on all (Indian, Non-Indian, and Corporations) delinquent operation and maintenance charges as prescribed in the Code of Federal Regulations, Chapter 4, Part 102. Government agencies, such as Federal, State and Tribal Governments are exempt from interest and penalty fees.

This notice will be published, posted and announced at the following locations:

U.S. Post Offices:

Browning, Mt. 59417, Cut Bank, Mt. 59427, Valier, Mt. 59486

Radio Stations:

KCTB Radio, 4 Central, Cut Bank, Mt. 59427

KSEN Radio,

830 Oilfield Ave., Shelby, Mt. 59474

Water Users Associations:

Badger-Fisher & Birch Creek, c/o Larry Stoltz, Vail, Mt. 59486

Newspapers:

Glacier Reporter, Browning, Mt. 59417

Cut Bank Pioneer Press,

Cut Bank, Mt. 5927

Water Users Associations:

Seville Water Users Association, c/o

Calvin Augare, Cut Bank, Mt. 59427

Bureau of Indian Affairs:

Blackfeet Agency,

Browning, Montana 59417

*Comments Received:* The law firm of Frisbee, Moore, Stuft & Olson who are representing members of the Seville

Water Users Association have submitted comments on the proposed increase to the operation and maintenance fee of the Blackfeet Irrigation Project. The comments submitted by the law firm opposed the increase and identified an error in the August 13, 1987, **Federal Register** notice. The Bureau of Indian Affairs acknowledges the error, but neither the error or the negative comment had an impact on the cost of operating the Blackfeet Irrigation Project.

**Appeal Process:** Chapter 25, Part 2 of the Code of Federal Regulations outlines the appeal process for this administrative action. Appeals must be received by the end of the business day on December 31, 1987.

**Supplementary Information:** This notice issued pursuant to Code of Federal Regulations, Chapter 25, Part 171 under the authority delegated to the Area Director, Assistant Secretary for Indian Affairs and the Deputy Assistant Secretary of the Interior.

Richard Whitesell,

*Billings Area Director.*

[FR Doc. 87-27657 Filed 12-1-87; 8:45 am]

BILLING CODE 4310-02-M

## Bureau of Land Management

[WY-030-4332-09]

### Supplemental Environmental Impact Statement; Lander Resource Area, WY

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Revision of preparation date and notification of intent to prepare a Supplemental Environmental Impact Statement for two wilderness study areas in the Lander Resource Area, Rawlins BLM District.

**SUMMARY:** The purposes of this notice are to revise the date of a previously announced notice of intent to prepare an environmental impact statement on the Whiskey Mountain and Dubois Badlands Wilderness Study Areas (WSA's) in the Lander Resource Area, in central Wyoming from Fiscal Year 86 to Fiscal Year 88. The initial notice was published in the **Federal Register**, Vol. 50, No. 218, page 46361, on Thursday, November 7, 1985.

The other purpose of the notice is to solicit additional comments and concerns from the public to aid BLM in developing recommendations as to the suitability or unsuitability of wilderness designations for the Whiskey Mountain and Dubois Badlands WSA's.

**DATES:** Public comments on the proposal will be accepted until January 4, 1988.

**FOR FURTHER INFORMATION CONTACT:** Richard Bastin, District Manager or Robert Janssen, Wilderness EIS Team Leader at (307) 324-7171 or send any correspondence to Bureau of Land Management, Rawlins District Office, P.O. Box 670, Rawlins, Wyoming 82310, before January 4, 1988.

**SUPPLEMENTARY INFORMATION:** Public scoping meeting were conducted as originally scheduled on December 11 and 12, 1985.

However, since the initial supplemental EIS was not completed in time for the recommendations for these two WSA's to be included into the Final Resource Management Plan for the Lander Resource Area and due to the length of time which has passed from the first notice, the public is again invited to comment on these two areas regarding: issues or concerns that should be considered in the recommendation for wilderness; resource values in the two areas which will augment BLM's current resource information; alternatives which should be considered; and any other factors that may be pertinent to the areas's suitability or unsuitability as wilderness.

**Geographic Area:** The geographic area to be analyzed for impacts is Fremont County, central Wyoming.

Elbert W. Spencer,

*Acting State Director, Wyoming.*

November 23, 1987.

[FR Doc. 87-27616 Filed 12-1-87; 8:45 am]

BILLING CODE 4310-22-M

[WY-010-08-4410-08]

### Availability of Proposed Washakie Resource Management Plan and Final Environmental Impact Statement; Correction

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of correction regarding the Proposed Washakie Resource Management Plan and Final Environmental Impact Statement.

**SUMMARY:** This notice corrects the dates of the protest period for the Proposed Washakie Resource Management Plan and Final Environmental Impact Statement previously published in the **Federal Register**, November 5, 1987, Vol. 52, No. 214, page 42480.

**DATE:** Protests on the Proposed Plan/Final Environmental Impact Statement must be postmarked by December 13, 1987, which is 30 days after the publication of the Environmental Protection Agency's filing notice. The EPA notice appeared in the **Federal**

**Register** on November 13, 1987, Vol. 52, No. 219, page 43663.

Hillary A. Oden,  
*State Director, Wyoming.*  
November 23, 1987.

[FR Doc. 87-27617 Filed 12-1-87; 8:45 am]

BILLING CODE 4310-22-M

[NM-940-08-4220-11; NM/NM 0557750]

### Proposed Continuation of Withdrawal; New Mexico

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Department of the Army, Corps of Engineers proposes that a 316-acre withdrawal for Conchas Dam and Reservoir continue for an additional 50 years. The land would remain closed to the public land laws. The mineral estate is owned and controlled by the State of New Mexico.

**DATE:** Comments should be received by March 1, 1988.

**ADDRESS:** Comments should be sent to the New Mexico State Director, BLM, P.O. Box 1449, Santa Fe, New Mexico 87504-1449.

**FOR FURTHER INFORMATION CONTACT:** Kay Thomas, BLM, New Mexico State Office, 505-988-6589.

The Department of the Army, Corps of Engineers proposes that the existing land withdrawal made by Public Land Order No. 4088 be continued for a period of 50 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

#### New Mexico Principal Meridian

##### Tract E-E

A tract of land situated in Section 16, Township 13 North, Range 25 East, being more particularly described as follows:

Beginning at the NW corner of Section 16, T. 13 N., R. 25 E., NMPM, having a coordinate value of X=509,944.55 and Y=1,586,682.80;

Thence N 89° 55' 34" E a distance of 3,089.00 feet more or less to the intersection of the north section line of said Section 16 and contour elevation 4,220.00 mean sea level;

Thence along the meanders of said contour in a southwesterly, northeasterly and south southwesterly direction, a distance of 7,296.00 feet more or less to the intersection of the south section line of said Section 16 with said contour 4,220.00 mean sea level;

Thence S 89° 53' 54" W a distance of 2,341.19 feet more or less to the southwest corner of said Section 16, T. 13 N., R. 25 E., NMPM;

Thence N 0° 16' 34" E a distance of 2,646.69 feet to a point;

Thence N 0° 00' 56" E a distance of 2,440.18 feet to the Point of Beginning.

The area described contains 316.00 acres in San Miguel County.

The purpose of the withdrawal is for flood control of the Conchas and Canadian River watersheds. No change is proposed in the purpose or segregative effect of the withdrawal, except to modify the withdrawal to segregate the lands only from the public land laws, because the State of New Mexico owns the mineral estate.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the New Mexico State Director at the address indicated above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether the withdrawal will be continued, and if so, for how long. The final determination on the continuation of the withdrawal will be published in the *Federal Register*. The existing withdrawal will continue until such final determination is made.

Larry L. Woodard,  
State Director.

Dated: November 19, 1987.

[FR Doc. 87-27619 Filed 12-1-87; 8:45 am]

BILLING CODE 4310-FB-M

[NM-940-08-4220-10; OK NM 63446]

### Proposed Withdrawal and Opportunity for Public Meeting; Oklahoma

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Department of the Army, Corps of Engineers (COE), has filed an application to withdraw 11.89 acres of public land from surface entry for flood control purposes, and to protect water supply, water quality, recreation, navigation and fish and wildlife on Kaw Lake and Keystone Lake. The lands under application are inundated and are administered by the COE as part of the Arkansas River Project. This proposed action will facilitate transfer of jurisdiction from the Bureau of Land Management to the COE. This notice closes the lands for up to 2 years from settlement, sale or entry under the public land laws, but not the mineral leasing laws. The lands are not subject to the United States mining laws.

**DATE:** Comments and requests for a meeting should be received on or before March 1, 1988.

**ADDRESS:** Comments and meeting requests should be sent to the New Mexico State Director, BLM, P. O. Box 1449, Santa Fe, New Mexico 87504-1449.

**FOR FURTHER INFORMATION CONTACT:** Kay Thomas, BLM New Mexico State Office, 505-988-6589.

**SUPPLEMENTARY INFORMATION:** On February 13, 1987, the Department of the Army, Corps of Engineers filed an application to withdraw the following described public lands from surface entry, subject to valid existing rights:

#### Indian Meridian

T. 29 N., R. 3 E.,

Sec. 25, lot 5.

T. 21 N., R. 9 E.,

Sec. 32, lot 10.

The areas described aggregate 11.89 acres in Kay and Pawnee Counties.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desired a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the undersigned officer within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of time and place will be published in the *Federal Register* at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR Part 2300.

For a period of 2 years from the date of publication of this notice in the *Federal Register*, the lands will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date.

Monte G. Jordan,

Associate State Director.

November 20, 1987.

[FR Doc. 87-27620 Filed 12-1-87; 8:45 am]

BILLING CODE 4310-FB-M

### Ukiah District Advisory Council Meeting

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Meeting, Ukiah, California, District Advisory Council.

**SUMMARY:** Pursuant to Pub. L. 94-579 and 43 CFR Part 1780, the Ukiah District Advisory Council will meet in Arcata, California, Thursday, January 7, 1988. The meeting will review the proposed Off-Road Vehicle Project on Samoa Peninsula.

**DATES:** The meeting will begin at 10:00 a.m. and adjourn at 3:00 p.m., January 7, 1988.

**ADDRESS:** The meeting will be held at the Bureau of Land Management Office, 1125 16th Street, Arcata, California.

**FOR FURTHER INFORMATION CONTACT:** Barbara Taglio, Ukiah District Office, Bureau of Land Management, 555 Leslie Street, Ukiah, California 95482, (707) 462-3873.

**SUPPLEMENTARY INFORMATION:** The Samoa Peninsula is an area of public land currently being studied by BLM in the Arcata Resource Management Plan. An off-road vehicle use area is proposed within this 300-acre area. Approximately 40 acres of rare plant habitat and 90 acres of wetlands are also found here.

The meeting is open to the public. Individuals may submit oral or written comments for the Council's consideration. Opportunity for oral comments will be provided at 11:00 a.m. Summary minutes of the meeting will be maintained by the Ukiah District Office and will be available for inspection and reproduction within 30 days of the meeting.

Dated: November 24, 1987.

Edwin G. Katlas,  
Acting District Manager.

[FR Doc. 87-27658 Filed 12-1-87; 8:45 am]

BILLING CODE 4310-84-M

### INTERNATIONAL TRADE COMMISSION

[Investigation No. 701-TA-282 (Final)]

### Certain Forged Steel Crankshafts From Brazil

#### Determination

On the basis of the record<sup>1</sup> developed in the subject investigation, the

<sup>1</sup> The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

Commission determines,<sup>2</sup> pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)), that an industry in the United States is materially injured by reason of imports from Brazil of certain forged steel crankshafts,<sup>3</sup> provided for in items 660.67 and 660.71 of the Tariff Schedules of the United States, that have been found by the Department of Commerce to be subsidized by the government of Brazil.

## Background

The Commission instituted this investigation effective January 8, 1987, following a preliminary determination by the Department of Commerce that imports of certain forged steel crankshafts from Brazil were subsidized within the meaning of section 701 of the Act (19 U.S.C. 1671). Notices of the institution of the Commission's investigation, and of a public hearing to be held in connection therewith, were given by posting copies of the notices in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notices in the *Federal Register* of February 19, 1987, and October 21, 1987 (52 FR 5200 and 52 FR 39290). The hearing was held in Washington, DC, on November 5, 1987, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on November 24, 1987. The views of the Commission are contained in USITC Publication 2038 (November, 1987), entitled "Certain Forged Steel Crankshafts From Brazil: Determination of the Commission in Investigation No. 701-TA-282 (Final) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

By Order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: November 23, 1987.

[FR Doc. 87-27697 Filed 12-1-87; 8:45 am]

BILLING CODE 7020-02-M

[332-251]

## An Analysis of Recent Japanese Measures To Promote Structural Adjustment

**AGENCY:** United States International Trade Commission.

**ACTION:** Institution of investigation.

**EFFECTIVE DATE:** October 13, 1987.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jose Mendez, Research Division, Office of Economics, U.S. International Trade Commission, Washington, DC 20436, telephone (202) 523-8267.

**Background and Scope of Investigation:** The Commission instituted investigation No. 332-251 following receipt on October 1, 1987, of a letter from the United States Trade Representative (USTR), requesting, at the direction of the President that the Commission conduct an investigation under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) to analyze certain Japanese measures to promote structural adjustment.

Japan has recently enacted its third program since the fall of 1985 to promote structural adjustment. Each program benefits a different set of industries or firms. While these programs are intended to facilitate the transfer of resources from less competitive industries and firms to those that are more robust, it is possible that the programs will keep alive otherwise uncompetitive firms to the detriment of competing U.S. industries. The three programs are the Yen-loan program, the Regional Loan (Castletown) program, and the Smooth Adjustment program.

The Commission's report will consist of two phases. The first phase will include background information on Japanese Government measures to promote structural adjustment and an estimate of the overall effects of these programs. The second phase will include a more in-depth analysis of the programs' effects on major beneficiaries in Japan and their U.S. competitors.

Ambassador Yeutter has requested that the Commission report its first phase findings by April 1, 1988, and its second phase findings by September 30, 1988.

**Written Submissions:** Interested persons are invited to submit briefs concerning the investigation. Commercial or financial information which a party desires the Commission to treat as confidential must be submitted on a separate sheet of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6

of the Commissions' *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statements should be received no later than February 5, 1988. All submissions should be addressed to the Secretary at the Commission's office in Washington, DC.

Briefs must be submitted not later than the close of business on February 5, 1988. A signed original and 14 true copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's Rules (19 CFR 201.8).

Hearing-impaired persons are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 724-0002.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: October 21, 1987.

[FR Doc. 87-27696 Filed 12-1-87; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-266]

## Certain Reclosable Plastic Bags and Tubing; Initial Determination Terminating Respondents on the Basis of Settlement Agreement

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondents on the basis of a settlement agreement: Meditech International Co. (Meditech), Polycraft Corp. (Polycraft), Chung Kong Industrial Co., Ltd. (Chung Kong), Daewang International Co. (Daewang), Keron Industrial Co., Ltd. (Keron), Gideons Plastic Industrial Co., Ltd. (Gideons), Lien Bin Pastics Co., Ltd. (Lien Bin) and Euroweld Distributing Inc. (Euroweld) respondents.

**SUPPLEMENTARY INFORMATION:** This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial

<sup>2</sup> Chairman Liebler dissenting.

<sup>3</sup> The crankshafts subject to this investigation are forged carbon or alloy steel crankshafts with a shipping weight of between 40 and 750 pounds, whether machined or unmachined.

determination in this matter was served upon the parties on November 27, 1987.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

**Written Comments:** Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street NW., Washington, DC 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

**FOR FURTHER INFORMATION CONTACT:** Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

By order of the Commission.

Kenneth R. Mason,  
Secretary.

Issued: November 26, 1987.

[FR Doc. 87-27695 Filed 12-1-87; 8:45 am]

BILLING CODE 7020-02-M

## INTERSTATE COMMERCE COMMISSION

### Motor Carrier Applications To Consolidate, Merge or Acquire Control

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. If the protest includes a request for oral hearing, the request shall meet the requirements of 49 CFR 1182.3 and shall include the required certification. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notification of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

### Findings

The findings for these applications are set forth at 49 CFR 1182.6.

Noreta R. McGee,  
Secretary.

MC-F-18793, filed October 27, 1987. Joseph F. Becker and Lorna Corbett (Box 4340, Whitehorse, Yukon, Canada Y1A 3T5)—Control-Atlas Tours Limited (ATL) (Box 4340, Whitehorse, Yukon, Canada Y1A 3T5) and United Trails, Inc. (UTI) (1560 Victoria Street North, Kitchener, Ontario, Canada N2B 3E5). Representative: Jeremy Kahn, 1726 M Street, NW, Suite 702, Washington, DC 20036. Joseph F. Becker (Becker) and Lorna Corbett (Corbett), both noncarrier individuals, respectively own 57 percent and 43 percent of the shares of ATL (MC-138348) and are officers and directors of that company. ATL holds passenger carrier authority to conduct special and charter operations beginning and ending at the Canadian border and extending to points in the United States (except Hawaii), and to conduct regular-route operations between Skagway, AK, and the Canadian border over Klondike Highway 2. Becker and Corbett each own 300 shares of 717768 Ontario Limited (OLC), and are officers and directors of that corporation. Stanley W. Sherman (Sherman) owns the remaining 300 shares of OLC stock. OLC has purchased all of the stock of UTI (MC-129937) which holds passenger carrier authority to conduct charter and special operations identical in territorial scope

to ATL's authority except UTI may not serve Alaska. Sherman and Becker are also officers and directors of UTI. ATL has been granted temporary authority to manage and control UTI pending final decision of this application.

[FR Doc. 87-27648 Filed 12-1-87; 8:45 am]

BILLING CODE 7035-01-M

### Release of Waybill Data for Use by AAR Intermodal Policy Division, in Economic and Policy Research Work

The Commission has received a request from AAR, Intermodal Policy Division, to use the 1986 ICC Railroad Waybill Sample in economic and policy research work. The 1983 and 1985 has previously been released to the AAR for this purpose. The data will be used exclusively as input data for the AAR Intermodal Competition Model. The model is the chief means by which AAR and the rail industry predict the impact on rail traffic and revenue of changes in rail or truck costs. The full Waybill Sample is the only data base available for this purpose. The public use tape does not contain several essential model inputs including: six digit Standard Point Location Code (SPLC), the seven digit Standard Transportation Commodity Code (STCC), car types, and route.

The Commission requires rail carriers to file waybill sample information if in any of the past three years they terminated on their lines at least: (1) 4,500 revenue carloads or (2) 5 percent of revenue carloads in any one State (49 CFR Part 1244). From this waybill information, the Commission has developed a Public Use Waybill File that has satisfied the majority of all our waybill data requests while protecting the confidentiality of proprietary data submitted by the railroads. However, if confidential waybill data are requested, as in this case, we will consider releasing the data only after certain protective conditions are met and public notice is given. More specifically, under the Commission's current policy for handling waybill requests, we will not release any confidential waybill data until after: (1) Public notice is provided so affected parties have an opportunity to object and (2) certain requirements designed to protect the data's confidentiality are agreed to by the requesting party [Ex Parte No. 385 (Sub-No. 2), 52 FR 12415, April 16, 1987].

Accordingly, if any parties object to this request, they should file their objections (an original and 2 copies) with the Director of the Commission's Office of Transportation Analysis (OTA) within 14 calendar days of the

date of this notice. They should also include all grounds for objection to the full or partial disclosure of the requested data. The Director of OTA will consider these objections in determining whether to release the requested waybill data. Any parties who objected will be timely notified of the Director's decision.

Contact: James A. Nash, (202) 275-6864.

Noreta R. McGee,  
Secretary.

[FR Doc. 87-27649 Filed 12-1-87; 8:45 am]

BILLING CODE 7035-01-M

### Release of Waybill Data for Use in an Analysis of Traffic Potential of a Merger or Acquisition

The Commission has received a request from R. L. Banks & Associates, Inc. for permission to use certain data from the Commission's 1984, 1985, and 1986 Waybill Samples. R. L. Banks & Associates, Inc. has been retained by creditors of an unnamed railroad to conduct an analysis of traffic that has flowed or might be routed over it in the event of a merger or acquisition potentially involving that railroad. In order to perform that analysis, RLBA requests permission to use: Serial Number, Number of Cars on Original Waybill, Origin Railroad & Station Number (FSAC), Termination Railroad & Station Number (FSAC), Transit Flag, Commodity Code Including STCC49 (Hazardous Materials Code), Freight Revenue on Original Document, TOFC Plan—First Field, TOFC Plan—Second Field, Number of Trailers/Containers, Transit Charges, Miscellaneous Charges, Sample Strata, Subsample Replicate Number, Origin Standard Point Location Code, Termination Standard Point Location Code, Short Line Miles, Car Type, Tons—Computed from Original Weight, Expansion Factor, Local or Route Code, Junction Frequency, First to Ninth Junction Stations, First to Eight Junction Railroads, Cars—Factored by Strata, Net Tons—Factored by Strata, Total Revenue—Factored by Strata, Trailer Count—Factored by Strata, Route Segment Distances (up to ten segments), Total Distance, and Factored Revenue for Each Segment (up to ten segments).

The Commission requires rail carriers to file waybill sample information if in any of the past three years they terminated on their lines at least: (1) 4,500 revenue carloads or (2) 5 percent of revenue carloads in any one State (49 CFR Part 1244). From this waybill information, the Commission has developed a Public Use Waybill File that has satisfied the majority of all our

waybill data requests while protecting the confidentiality of proprietary data submitted by the railroads. However, if confidential waybill data are requested, as in this case, we will consider releasing the data only after certain protective conditions are met and public notice is given. More specifically, under the Commission's current policy for handling waybill requests, we will not release any confidential waybill data until after: (1) Public notice is provided so affected parties have an opportunity to object and (2) certain requirements designed to protect the data's confidentiality are agreed to by the requesting party [Ex Parte No. 385 (Sub-No. 2), 52 FR 12415, April 16, 1987].

Accordingly, if any parties object to this request, they should file their objections (an original and 2 copies) with the Director of the Commission's Office of Transportation Analysis (OTA) within 14 calendar days of the date of this notice. They should also include all grounds for objection to the full or partial disclosure of the requested data. The Director of OTA will consider these objections in determining whether to release the requested waybill data. Any parties who objected will be timely notified of the Director's decision.

Contact: James A. Nash, (202) 275-6864.

Noreta R. McGee,  
Secretary.

[FR Doc. 87-27650 Filed 12-1-87; 8:45 am]

BILLING CODE 7035-01-M

### [Docket No. AB-7 (Sub-No. 114X)]

#### CMC Real Estate Corp.; Abandonment Exemption; for Railroad in Chicago, IL

Applicant, the successor to the Chicago, Milwaukee, St. Paul and Pacific Railroad, has filed a notice of exemption under 49 CFR Part 1152, Subpart F—*Exempt Abandonments*, to abandon its 1.54-mile line of railroad (the Deering Line) between milepost 2.33 and milepost 3.87 in Chicago, IL (engineering stations 00+00 and 81+56).

Applicant has certified: (1) That no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line or may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been

notified in writing at least 10 days prior to the filing of this notice.

Applicant has filed an environmental report which shows that no significant environmental or energy impacts are likely to result from this abandonment.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).<sup>1</sup>

The exemption will be effective January 1, 1988 unless stayed pending reconsideration. Petitions to stay must be filed by December 14, 1987, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by December 22, 1987 with:

Office of the Secretary, Case Control  
Branch, Interstate Commerce  
Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative:

John Broadley, Jenner & Block, 21  
DuPont Circle, Washington, DC 20036.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: November 23, 1987.

By the Commission, Jane F. Mackall,  
Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-27439 Filed 12-1-87; 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 86-71]

#### Revocation of Registration; Charles E. Pearce, M.D.

On August 20, 1986, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Charles E. Pearce, M.D., 101 South Hubbard's Lane, Louisville, Kentucky 40207

<sup>1</sup> The Railway Labor Executives' Association (RLEA) filed a request for the imposition of labor protective conditions. The United Transportation Union joins RLEA in making this request. Since the subject abandonment involves an exemption from section 10903, such conditions have been imposed routinely.

(Respondent). The Order to Show Cause sought to revoke Respondent's DEA Certificate of Registration AP5441530, and deny his application for renewal of that registration executed on February 24, 1986, on the ground that Respondent was convicted in the United States District Court for the Western District of Kentucky, on February 25, 1985, of unlawful distribution of a Schedule II controlled substance in violation of 21 U.S.C. 841(a)(1), a felony relating to controlled substances.

Respondent, through counsel, requested a hearing by letter dated September 10, 1986. The matter was docketed before Administrative Law Judge Francis L. Young. Prior to the hearing, the matter was transferred to Administrative Law Judge Mary Ellen Bittner. The hearing in this matter was held in Louisville, Kentucky on May 12, 1987. On September 3, 1987, Judge Bittner issued her opinion and recommended ruling findings of fact, conclusions of law and decision. Exceptions were filed by Respondent's counsel on September 23, 1987. Government counsel filed a response to Respondent's exceptions on October 13, 1987. Judge Bittner transmitted the record to the Administrator on October 19, 1987. The Administrator has considered the record in its entirety and pursuant to 21 CFR 1316.67, hereby issues his final order in this matter based upon the findings of fact and conclusions of law as hereinafter set forth.

The Administrative Law Judge found that Respondent has practiced medicine since 1951. In late 1981 investigators of the Kentucky Office of the Attorney General received complaints about Respondent's prescribing practices. That office conducted an investigation of Respondent's prescribing practices which included patient interviews and undercover visits to Respondent's office. One individual, a former patient of Respondent's was interviewed at the women's correctional institution and told investigators that she had performed sexual favors for Respondent in exchange for controlled substances. In a later interview, this same individual advised that her mother had been staying with her, and that she received prescriptions from Respondent in her mother's name.

An investigator obtained prescriptions written by Respondent in the individual's mother's name from local pharmacies and was advised by the pharmacists that these prescriptions were picked up by the individual. Between August 4, 1980, and May 20, 1981, Respondent wrote at least 20

prescriptions for controlled substances in the mother's name. When the investigators interviewed the mother at her home in West Virginia in April 1982, she told investigators that she had never heard of Respondent, had never received any prescriptions from him, and had not visited her daughter in Louisville during the preceding two or three years.

The Administrative Law Judge further found that three investigators of the Kentucky Office of the Attorney General made undercover visits to Respondent's office posing as patients using the names James Logan, Linda Kaufman and Robert Keen. The investigator posing as Linda Kaufman saw Respondent on five occasions, between January 29 and February 19, 1982, including once for lunch. She received controlled substances or prescriptions from Respondent on four of these occasions. Respondent pled *nolo contendere* to a charge of unlawful distribution of a Schedule III controlled substance to the investigator posing as Linda Kaufman.

The investigator posing as Robert Keen visited Respondent on three occasions and received prescriptions for controlled substances on each visit. The investigator posing as James Logan testified at the hearing on May 12, 1987. The investigator initially visited Respondent's office on February 2, 1982, and told the receptionist that he needed Tylenol for his back and Valium for his nerves. The investigator spent about one minute in Respondent's office and received prescriptions for Valium and Tylenol #3, both controlled substances. The investigator returned to Respondent's office on two more occasions and received prescriptions for Valium and Tylenol #3. Respondent never touched the investigator or gave him a physical examination.

The Administrative Law Judge further found that Respondent was indicted by a Federal grand jury on October 6, 1982, on 41 counts of illegal distribution of controlled substances and one count of making false statements and representations of material fact. On January 5, 1985, Respondent entered a plea of *nolo contendere* to one count of the indictment charging illegal distribution of a Schedule III controlled substance.

The Administrative Law Judge concluded that Respondent was convicted of a felony relating to controlled substances, and that the *nolo contendere* plea was adequate to support such a conclusion. See *Noell v. Bensinger*, 586 F.2d 544 (5th Cir. 1978). The conviction provides the statutory basis for revocation of Respondent's

DEA registration. In addition, the Administrative Law Judge found that Respondent wrote 20 prescriptions for controlled substances for a woman who was not his patient, and wrote prescriptions for controlled substances for an undercover investigator without performing any physical examination or obtaining a medical history. She found Respondent's assertions that he prescribed medications in good faith and for medical reasons to be unpersuasive and not substantiated by the evidence. The Administrative Law Judge recommended that Respondent's DEA registration be revoked and his pending application denied.

The Administrator adopts the proposed findings of fact, conclusions of law and decision of the Administrative Law Judge in its entirety. The Administrator finds that Respondent has been convicted of a felony relating to controlled substances. In addition, he has issued numerous prescriptions for controlled substances for an individual who was not his patient and for an undercover agent without a medical examination. Such activity indicates that Respondent cannot be trusted with a DEA registration.

Accordingly, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), the Administrator hereby orders that Respondent's DEA Certificate of Registration AP5441530, be, and it hereby is, revoked effective January 4, 1988. Any outstanding applications for registration are denied.

Dated: November 25, 1987.

John C. Lawn,  
Administrator.

[FR Doc. 87-27605 Filed 12-1-87; 8:45 am]

BILLING CODE 4410-09-M

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### National Endowment for the Arts Ad Hoc Policy Discussion Group; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Ad Hoc Policy Discussion Group will be held on December 19, 1987, from 2:00 p.m.-6:00 p.m. at the Sheraton Center Hotel, 7th Avenue & 52nd Street, New York, NY 10019.

This meeting will be open to the public on a space available basis. The topic of discussion will be the Dance/Inter-Arts/State Programs Presenting/Touring Initiative.

If you need special accommodations due to a disability, please contact the

Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

**Yvonne M. Sabine,**

*Acting Director, Council and Panel Operations, National Endowment for the Arts.*  
November 23, 1987.

[FR Doc. 87-27621 Filed 12-1-87; 8:45 am]

BILLING CODE 7537-01-M

#### **National Endowment for the Arts Inter-Arts Advisory Panel; Meeting**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Inter-Arts Advisory Panel (Presenting Organizations) to the National Council on the Arts will be held on December 17, 1987, from 11:30 a.m.-3:00 p.m. at the Sheraton Center Hotel, 7th Avenue & 52nd Street, New York, NY 10019.

This meeting will be open to the public on a space available basis. The topic of discussion will be presenting organizations guidelines.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

**Yvonne M. Sabine,**

*Acting Director, Council and Panel Operations, National Endowment for the Arts.*  
November 23, 1987.

[FR Doc. 87-27622 Filed 12-1-87; 8:45 am]

BILLING CODE 7537-01-M

#### **National Endowment for the Arts Media Arts Advisory Panel; Amended Notice of Meeting**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub.

L. 92-463), as amended, notice is hereby given of a change in the date and time of a meeting of the Media Arts Advisory Panel (Challenge III Section) to the National Council on the Arts. The meeting, originally set for November 23, 1987, from 9:00 a.m.-4:00 p.m., (published in Vol. 52 FR 43409, November 12, 1987) will be held on December 4, 1987, from 9:00 a.m.-1:00 p.m. The location of the meeting remains the same: Room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

November 23, 1987.

**Yvonne M. Sabine,**

*Acting Director, Council and Panel Operations, National Endowment for the Arts.*

[FR Doc. 87-27623 Filed 12-1-87; 8:45 am]

BILLING CODE 7537-01-M

#### **Tilted Arc Site Review Advisory Panel; Meeting**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Tilted Arc Site Review Advisory Panel to the General Services Administration will be held on December 15, 1987, from 9:30 a.m.-5:00 p.m. at the Loeb Student Center, Room 413, New York University, 566 LaGuardia Place at Washington Square South, New York, NY 10002.

This meeting will be open to the public on a space available basis. The topic of discussion will be review of possible sites for Tilted Arc.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington

DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

November 24, 1987.

**Yvonne M. Sabine,**

*Acting Director, Council and Panel Operations, National Endowment for the Arts*  
[FR Doc. 87-27659 Filed 12-1-87; 8:45 am]

BILLING CODE 7537-01-M

#### **NATIONAL SCIENCE FOUNDATION**

##### **Permits Issued Under the Antarctic Conservation Act of 1978**

**AGENCY:** National Science Foundation.

**ACTION:** Notice of permit issued under the Antarctic Conservation Act of 1978, Pub. L. 95-541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice of permits issued.

##### **FOR FURTHER INFORMATION CONTACT:**

Charles E. Myers, Permit Office, Division of Polar Programs, National Science Foundation, Washington, DC 20550.

**SUPPLEMENTARY INFORMATION:** On August 27, September 8, September 30, October 8 and October 14, 1987, the National Science Foundation published notices in the *Federal Register* of permit applications received. Permits have been issued to the following individuals.

David Ainley (2 permits)

John Bengtson

Mark Chappell

Charlotte Evans

Barry Lopez

William Stockton

Edward Atkins

J. Alan Campbell

Charles Crawford

G. Richard Harbison

Robert G. Robbins

David C. White

Charles E. Myers,

*Permit Office, Division of Polar Programs.*

[FR Doc. 87-27660 Filed 12-1-87; 8:45 am]

BILLING CODE 7555-01-M

# NUCLEAR REGULATORY COMMISSION

[Docket No. 50-213]

## Connecticut Yankee Atomic Power Co.; Haddam Neck Plant; Issuance of Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of a proposed amendment to Facility Operating License No. DPR-61, issued to Connecticut Yankee Atomic Power Company (the licensee), which would change the expiration date for the Haddam Neck Plant Operating License, DPR-61 from May 26, 2004, to June 29, 2007.

### Identification of Proposed Action

The currently licensed term for the Haddam Neck Plant is 40 years commencing with issuance of the construction permit (May 26, 1964). Accounting for the time that was required for plant construction, this represents an effective operating license term of 36 years, 10 months and 26 days. The licensee's application dated November 24, 1986 requests a 40-year operating license term for the Haddam Neck Plant.

### Summary of Environmental Assessment

The NRC staff has reviewed the potential environmental impact of the proposed change in the expiration date of the Operating License for the Haddam Neck Plant. This evaluation considered the previous environmental studies, including the "Final Environmental Statement Related to the Haddam Neck (Connecticut Yankee) Nuclear Power Plant," (October 1973), and more recent NRC policy.

### Radiological Impacts

Although the population in the vicinity of the Haddam Neck Plant has increased, the site requirements of 10 CFR Part 100 are still met with regard to Exclusion Area Boundary, Low Population Zone, and nearest population center distances. In addition, the proposed additional years of reactor operation do not increase the annual public risk from reactor operation.

With regard to normal plant operation, the licensee complies with NRC guidance and requirements for keeping radiation exposures "as low as is reasonable achievable" (ALARA) for occupational exposures and for

radioactivity in effluents. The licensee would continue to comply with these requirements during any additional years of facility operation and also apply advanced technology when available and appropriate.

### Non-Radiological Impacts

The NRC review identified no additional degradation of the habitat surrounding the Haddam Neck Plant with regard to indigenous plant and animal species, including those that are commercially valuable, for the additional years of facility operation. In addition, the National Pollutant Discharge Elimination System permit provides additional environmental protection.

### Finding of No Significant Impact

The staff has reviewed the proposed change to the expiration date of the Haddam Neck Plant Facility Operating License relative to the requirements set forth in 10 CFR Part 51. Based upon the environmental assessment, the staff concluded that there are no significant radiological nor non-radiological impacts associated with the proposed action and that the proposed license amendment will not have a significant effect on the quality of the human environment. Therefore, the Commission has determined, pursuant to 10 CFR 51.31, not to prepare an environmental impact statement for the proposed amendments.

For further details with respect to this action, see (1) the application for amendment dated November 24, 1986, (2) the Final Environmental Statement Related to the Haddam Neck (Connecticut Yankee) Nuclear Power Plant, issued October 1973, and (3) the Environmental Assessment dated November 23, 1987. These documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20555 and at the Russell Library, 124 Broad Street, Middletown, Connecticut 06457.

Dated at Bethesda, Maryland, this 23rd day of November 1987.

For the Nuclear Regulatory Commission.

Michael L. Boyle,

*Acting Director, Integrated Safety Assessment Project Directorate, Division of Reactor Projects—III, IV, V and Special Projects.*

[FR Doc. 87-27688 Filed 12-1-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-316]

## Indiana and Michigan Power Co., Donald C. Cook Nuclear Plant, Unit No. 2; Issuance of Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of a license amendment to Facility Operating License No. DPR-74 issued to Indiana and Michigan Power Company (the licensee) for operation of the Donald C. Cook Nuclear Plant, Unit No. 2, located in Berrien County, Michigan.

### Identification of Proposed Action

The license amendment would permit the licensee to replace major components of the four steam generators in Cook Unit 2 in order to restore the plant to its original operating condition.

The amendment would revise the Technical Specifications in response to the licensee's application dated March 12, 1987, as supported by the Steam Generator Repair Report submitted November 7, 1986 and revised March 30 and July 24, 1987, as may be further revised based on the NRC staff's continuing review.

The NRC staff has prepared an environmental assessment of the proposed action, "Environmental Assessment by the Office of Nuclear Reactor Regulation Related to the Repair of Steam Generators, Indiana and Michigan Electric Company, Donald C. Cook Nuclear Plant, Unit No. 2, Docket No. 50-316," dated November 23, 1987.

### Summary of Environmental Assessment

The steam generators (SG) at Cook Unit 2 have experienced corrosion-related phenomena which have required periodic examination and plugging of SG tubes to ensure continued plant operation. The licensee has limited plant operation to 80% power to retard the rate of SG tube degradation. However, the need to plug tubes will continue and will eventually result in further power reductions and operating difficulties. There are no practical repair techniques; thus, the licensee proposed to replace SG lower assemblies. This replacement would repair the SG's and allow the unit to operate at its design capacity.

The proposed license amendment would not degrade the level of safety attained by the original licensing of the plant. The repaired steam generators would be constructed of tube materials less prone to corrosion than the original tube materials. There would be a diminished chance of accident doses to

the environment since the probability of an SG tube rupture, the accident of concern, would have a lower probability of occurrence than in the originally licensed plant.

The NRC staff has reviewed the potential environmental impact of the proposed action that would permit the licensee to replace major components of the four steam generators. This evaluation considered the previous environmental studies, including the "Final Environmental Statement Relating to Operation of Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2," dated August 1973.

#### Radiological Impacts

The licensee has taken appropriate steps to ensure occupational doses to the work force and population will be within the limits of 10 CFR Part 20 and are below the annual dose design objectives of 10 CFR Part 50, Appendix I. Therefore, the radiological impact of the repair project to the public and the work force will not significantly affect the human environment.

#### Nonradiological Impacts

With regard to potential nonradiological impacts, the proposed license amendment involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents. Any such effluents will be controlled by the licensee under existing plans to prevent or mitigate the impact of such effluents. The licensee will control noisy operations of construction machinery and will restore any area inadvertently disturbed. Therefore, the Commission concludes that there are no significant nonradiological environment impacts associated with the proposed license amendment.

#### Finding of No Significant Impact

The staff has reviewed the proposed steam generator repair program and the proposed amendment relative to the requirements set forth in 10 CFR Part 51. Based upon the environmental assessment, the staff concluded that there are no significant radiological or nonradiological impacts associated with the proposed action and that the proposed action will not have a significant effect on the quality of the human environment. Therefore, the Commission has determined, pursuant to 10 CFR 51.31, not to prepare an environmental impact statement for the proposed amendment.

For further details with respect to this action, see (1) the Environmental Assessment dated November 23, 1987; and (2) the application for amendment

dated March 12, 1987 as supported by an earlier transmittal dated November 7, 1986 with the Steam Generator Repair Report that was later revised on March 30 and July 24, 1987. These documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Dated at Bethesda, Maryland, this 23rd day of November 1987.

For the Nuclear Regulatory Commission,  
David L. Wigginton,

Acting Director, Project Directorate III-3,  
Division of Reactor Projects.

[FR Doc. 87-27689 Filed 12-1-87; 8:45 am]

BILLING CODE 7590-01-M

#### [Docket No. 50-298]

#### Nebraska Public Power District; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC/the Commission) is considering issuance of an exemption from the requirements of 10 CFR 50.54(w)(1) to the Nebraska Public Power District (the licensee) for the Cooper Nuclear Station located in Nemaha County, Nebraska.

#### Environmental Assessment

*Identification of Proposed Action:* The licensee would be exempted from the requirement of Paragraph 54(w)(1) of 10 CFR Part 50 from December 5, 1987 through December 4, 1988. 10 CFR 50.54(w)(1) requires that licensees have, within 60 days of the effective date of the Rule, property damage insurance in the amount of at least \$1.06 billion to provide financial security for stabilizing and decontaminating their licensed reactors in the event of an accident.

*The Need for the Proposed Action:* The licensee is a political subdivision of the State of Nebraska and, as such, is prohibited by State law from becoming a subscriber to the stock or any portion of interest of any corporation or association. The licensee is therefore prohibited from becoming a member of Nuclear Electric Insurer's Limited (NEIL). As a result, the licensee is unable to obtain the \$1.06 billion, of property insurance as required by the Rule. The District is seeking a declaratory judgement from United States District Court which will enable it to become a NEIL member. Until such time, the maximum amount of property insurance available to the licensee is the \$585 million available from the American Nuclear Insurers and the

Mutual Reinsurance Pool. The requested exemption will grant the licensee additional time to obtain the necessary ruling.

*Environmental Impacts of the Proposed Action:* The proposed action affects only insurance requirements and will have no effect on nuclear safety or on plant effluents. Therefore, the Commission has determined that there is no environmental impact associated with the proposed action.

*Alternative Use of Resources:* This action involves no use of resources.

*Agencies Persons Consulted:* The NRC staff did not consult other agencies or persons.

#### Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to this action, see the licensee's application dated October 5, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the local Public Document Room in the Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

Dated at Bethesda, Maryland this 27th day of November, 1987.

For the Nuclear Regulatory Commission,  
Walter A. Paulson,

Acting Director, Project Directorate—IV,  
Division of Reactor Projects—III, IV, V, and  
Special Projects, Office of Nuclear Reactor  
Regulation.

[FR Doc. 87-27691 Filed 12-1-87; 8:45 am]

BILLING CODE 7590-01-M

#### [Docket No. 50-285]

#### Omaha Public Power District; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the scheduler requirement of 10 CFR 50.54(w)(1) to the Omaha Public Power District (licensee) for the Fort Calhoun Station, Unit 1, located at the licensee's site in Washington County, Nebraska.

#### Environmental Assessment

*Identification of the Proposed Action:* The proposed action would grant an exemption to the licensee from § 50.54(w)(1) of 10 CFR Part 50 which was recently amended to require that the licensees of nuclear power reactors maintain a minimum insurance coverage in the sum of \$1.06 billion to provide financial security for stabilizing and

decontaminating their operating nuclear power reactors in the event of an accident. The new requirement became effective on October 5, 1987 and the regulation provides for a 60-day grace period in which a licensee could comply with the requirements. By letters dated October 2, 1987 from the licensee's counsel's and October 5, 1987 from the licensee, the licensee requested an exemption to 10 CFR 50.54(w)(1), which would defer the due date for acquiring the full amount of property insurance required by the regulation.

**The Need for the Proposed Action:** Currently, the licensee maintains \$585 million of property insurance obtained through American Nuclear Insurers and the Mutual Energy Reinsurance Pool. The only source of additional insurance to comply with the Commission's recently amended § 50.54(w)(1) is Nuclear Electric Insurance Limited (NEIL). However, NEIL is a mutual company and under the provisions of the Nebraska law, the licensee is prohibited from becoming a subscriber to the stock or any portion of interest of any corporation or association. The licensee is a political subdivision of the State of Nebraska. In an effort to satisfy the limitations of Nebraska law, NEIL amended its charter and by-laws to issue appropriate policy endorsements. Based upon NEIL's actions, the licensee submitted an application to NEIL for decontamination and property insurance. By letter from NEIL dated June 28, 1985, the licensee was advised NEIL would not issue a policy to the licensee until the licensee had secured a declaratory judgment from the Nebraska Supreme Court that non-voting membership in NEIL and the issuance of policies with appropriate endorsements would not violate the Nebraska Constitution. On July 1, 1985, the licensee, commenced an action for a declaratory judgment in the District Court. The District Court issued its decision on December 1, 1986 in which it declined to grant a declaratory judgment. The licensee has appealed the ruling of the District Court to the Nebraska Supreme Court where the matter currently is pending. In the event the Nebraska Supreme Court ultimately refuses to grant a declaratory judgment that the licensee may, consistent with Nebraska law, purchase insurance from NEIL, the licensee asserts that it plans to commence an action for a declaratory judgment in the United States District Court in Nebraska and ask the Federal court to declare that the Commission's

new regulation preempt any provisions of the Nebraska law.

**Environmental Impact of the Proposed Action:** The proposed exemption affects only the required date for the licensee to be in compliance with the regulation and does not affect the risk of facility accidents. Thus, post-accident radiological releases will not differ from those determined previously, and the proposed exemption does not otherwise affect facility radiological effluents, or any significant occupational exposures. With regard to potential non-radiological impacts, the proposed exemption does not affect plant non-radiological effluents and has no other environmental impact. Therefore, the Commission concludes there are no measurable radiological and non-radiological environmental impacts associated with the proposed exemption.

**Alternative Use of Resources:** This action does not involve the use of resources not considered previously in the Final Environmental Statement for Fort Calhoun Station, Unit 1.

**Agencies and Persons Consulted:** The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

#### Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption. Based upon the environmental assessment, the NRC staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this proposed action, see the licensee's letter dated October 5, 1987 and that of its counsel, dated October 2, 1987. The letters available for public inspection at the Commission's Public Document Room, 1717 H Street, Washington, DC 20555 and at the Local Public Document Room in the W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102.

Dated at Bethesda, Maryland, this 25th day of November, 1987.

For the Nuclear Regulatory Commission.

Jose A. Calvo,

Director, Project Directorate—IV, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 87-27692 Filed 12-1-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

#### GPU Nuclear Corp.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-50 issued to General Public Utilities Nuclear Corporation, for operation of Three Mile Island Nuclear Station, Unit 1 located in Middletown, PA.

The amendment would revise the provisions in the Technical Specifications relating to post-accident monitoring instrumentation to satisfy Regulatory Guide 1.97 indication requirements.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By January 4, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rule of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's

property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspects of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matter within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John Stolz: (petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication date and page number of this Federal Register notice). A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Ernest L. Blake, Jr., Esq. Shaw, Pittman Potts & Trowbridge, 2300 N

Street NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or request for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated September 15, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC and at the State Library of Pennsylvania, Government Publications Section Education Building, Harrisburg, PA.

This letter dated at Bethesda, MD on the 24th of November 1987.

For the Nuclear Regulatory Commission.

Gordon E. Edison,

Senior Project Manager, Project Directorate I-4, Division of Reactor Project I/II.

[FR Doc. 87-27690 Filed 12-1-87; 8:45 am]

BILLING CODE 7590-01-M

### **Bi-Weekly Notice Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations**

#### **I. Background**

Pursuant to Public Law (P.L.) 97-415, the Nuclear Regulatory Commission (the Commission) is publishing this regular bi-weekly notice. P.L. 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This bi-weekly notice includes all notices of amendments issued, or proposed to be issued from November 9, 1987 through November 20, 1987. The last bi-weekly notice was published on November 18, 1987 (52 FR 44241).

### **NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO FACILITY OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING**

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By January 4, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for

leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The

final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to (*Project Director*): petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel-Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions,

supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

**Commonwealth Edison Company,  
Docket Nos. 50-254 and 50-265, Quad  
Cities Nuclear Power Station, Units 1  
and 2, Rock Island County, Illinois**

*Date of application for amendment:*  
November 6, 1987

*Description of amendment request:*  
The proposed amendment would revise Table 3.2-1 of the Quad Cities, Units 1 and 2, Technical Specifications (TS) for High Pressure Core Injection (HPCI) and Reactor Core Isolation Cooling (RCIC) Systems Steam Line High Flow Indication Instrumentation. More specifically, a TS amendment was requested that would: (1) revise the number of operable or tripped HPCI and RCIC steam line high flow indication instrument channels from a minimum of four (4) channels to two (2) channels; this will correct a discrepancy that has existed since the original TS were issued, by making the number of channels consistent with the original design basis and actual plant configuration, and 2) revise the HPCI and RCIC high steam flow time delay setting of 3—10 seconds to a more conservative setting of 3—9 seconds; this change was recommended by the Commonwealth Edison Company (CECo, the licensee) Engineering Department based upon General Electric (GE) Company analysis.

Additionally, the TS amendment would correct a typographical error in the associated surveillance requirement bases. Current TS for Units 1 and 2 identify the high steam flow instruments as 1-2389 A thru D and 2-2389 A thru D, while the correct designations are 1-2352, 1-2353, 2-2352 and 2-2353. The low pressure instruments are listed as 1-2352.1 -2353, 2-2352 and 2-2353 in the Units 1 and 2 TS, while the correct designations are 1-2389 A thru D and 2-2389 A thru D. Instrument numbers for the high steam flow instrumentation were actually the designations for the low pressure instrumentation while the

instrument numbers for the low pressure instrumentation, are actually the designations for the HPCI high steam flow instruments. Revising these instrument designations is considered to be an administrative change.

**Basis for proposed no significant hazards consideration determination:** The Commission has provided standards for determining whether a significant hazards consideration exists as stated in (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequence of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. In accordance with 10 CFR.91(a), the licensee has provided the following analysis in their amendment application addressing these three standards.

CECo has analyzed this proposed amendment and determined that operation of the facility, in accordance with the proposed amendment, would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated because:

a. Previously evaluated accidents were based on two channels for the RCIC and HPCI steam line flow indications rather than four; this means that the evaluations were based on conditions that actually exist in the plant, not the number of channels found in the current Technical Specifications. Plant operations and accident analyses are not changed.

b. The proposed time delay setting is lower than the setting which currently exists. Operating with a maximum time delay setting of nine seconds is more conservative than the previously approved ten second value.

c. Changing instrument designation to correct typographical errors are considered to be an administrative change and has no effect upon previously evaluated accident scenarios.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated because:

a. The number of HPCI and RCIC instrument channels are corrected to reflect the number of channels that actually exist, and upon which the original system design was based. The manner in which the plant has been, or will be operated does not change. Additionally, operating with a minimum number of two tripped or operable HPCI or RCIC high flow instrument channels is more conservative than with four channels.

b. The new time delay setting is more conservative than the value that currently exists in the Quad Cities TS.

c. Correction of typographical errors are considered to be administrative in nature and have no effect on plant operation.

3. Involve a significant reduction in the margin of safety because:

a. The number of HPCI and RCIC instrument channels are corrected to reflect actual plant configuration and original design. There are no changes being made to hardware. The proposed amendment does not reduce the margin of safety since the minimum number of operable or tripped channels will be more conservative.

b. The new maximum time delay setting will be more conservative than the value currently in TS.

c. Correction of typographical errors involve the designation for HPCI instrumentation only, safety margins are unaffected.

The Commission has reviewed the licensee's TS amendment request and concurs with their analysis for no significant hazards consideration determination. Accordingly, the Commission proposes to determine the aforementioned amendment request does not involve a significant hazards consideration.

**Local Public Document Room location:** Dixon Public Library, 221 Hennepin Avenue, Dixon, Illinois 61021.

**Attorney to licensee:** Mr. Michael I. Miller, Isham, Lincoln, & Beale, Three First National Plaza, Suite 5200, Chicago, Illinois 60602.

**NRC Project Director:** Daniel R. Muller

**Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina**

**Date of amendment request:** July 22, 1987, as supplemented May 26, August 31, October 1, October 30, and November 19, 1987

**Description of amendment request:** The proposed amendments would change the Technical Specifications by revising the overtemperature delta T, overpressure delta T, and loss of flow setpoints and by revising the overtemperature delta T and overpressure delta T response times. These changes are to account for plant modifications to the resistance temperature detector (RTD) system on the hot and cold legs of the reactor coolant system. The modifications would remove the bypass loops in which the RTDs are currently located and place the RTD directly in the hot leg and cold leg pipes.

On November 6, 1987 additional information was requested from the licensee to clarify and document certain aspects of the amendment request. By letter dated November 19, 1987, the licensee provided these clarifications

which do not substantively change the nature of the request nor affect the no significant hazards determination.

**Basis for proposed no significant hazards consideration determination:** The NRC staff proposes to determine that the proposed amendment does not involve a significant hazards consideration because, as required by the criteria of 10 CFR 50.92(c), operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The following is a discussion of these three criteria and how the proposed change meets each criterion. The proposed amendments will not (1) involve a significant increase in the probability or consequences of an accident previously evaluated because the modification and Technical Specification changes will provide equivalent temperature detection capability with RTDs installed in each loop, in place of the existing bypass system, for input to the Reactor Protection and Control System (RPCS). Three narrow-range RTDs in each hot leg will provide input for reactor coolant loop differential temperature and average coolant temperature. One narrow-range RTD will be installed in the cold leg (at the discharge of the Reactor Coolant Pump), as well as an additional narrow-range RTD installed as a spare.

The RPCS parameters which are affected by narrow-range RTD accuracy have been analyzed by the licensee to assure that sufficient allowance is available in the RPCS setpoints to accommodate RTD error. The Instrumentation and Control portion of the modification has been evaluated and remains functionally unchanged and physically equivalent to the existing hardware, and meets applicable criteria.

The proposed amendments will not (2) create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed modifications will restore the integrity of the RCS to its condition as originally built using comparable codes and criteria.

The proposed amendments will not (3) involve a significant reduction in a margin of safety because changes to instrument response times and uncertainties have been determined, through test and analysis, to be consistent with, or not significantly

different from, current values. The increased response time of the RTDs is partially offset by the elimination of the delay associated with the bypass manifold piping.

In the proposed amendment, the licensee has revised the setpoints defined in the Catawba Technical Specifications to be consistent with its evaluation of the uncertainties associated with the plant modifications. From its preliminary review of the licensee's evaluation, the NRC staff agrees with the revised setpoints.

Based on the above considerations, the Commission proposes to determine that the above changes involve no significant hazards consideration.

**Local Public Document Room**  
location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

**Attorney for licensee:** Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242

**NRC Project Director:** Lawrence P. Crocker, Acting Director

**Florida Power and Light Company,**  
Docket No. 50-335, St. Lucie Plant, Unit No. 1, St. Lucie County, Florida

**Date of amendment request:** October 19, 1987

**Description of amendment request:** The proposed amendment would delete two license conditions. License Condition 2.C(4) required the licensee to use an approved method to show that Combustion Engineering fuel would not experience creep collapse unless the new Exxon Corporation methodology had been approved for use by the staff and the results were valid for Cycle 6. The license condition was to be satisfied prior to reaching 38,000 MWd/MTU peak assembly burnup. License Condition 2.C(5) required the licensee to provide a supplement to XN-NF-85-117, "St. Lucie Unit 1 Revised LOCA ECCS Analysis with 15% Steam Generator Tube Plugging," that would provide the complete large-break LOCA spectrum results to demonstrate full compliance with the criteria of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 for the Commission staff's review and approval.

**Basis for proposed no significant hazards consideration determination:** The staff previously evaluated the actions taken by the licensee to meet License Condition 2.C(4). The licensee provided information to the staff by letters dated September 17, 1984 and February 5, 1985. The staff subsequently determined that the requirement of License Condition 2.C(4) was met, and informed the licensee by letter dated

February 19, 1985. The staff stated in the cover letter that License Condition 2.C(4) had been satisfied and was no longer applicable and that the licensee should initiate action to have the license condition deleted at the licensee's earliest convenience.

The staff also previously evaluated the actions taken by the licensee to meet License Condition 2.C(5). The licensee provided information to the staff by letter dated January 29, 1986. The staff subsequently determined that the requirement of License Condition 2.C(5) was met, and informed the licensee by letter dated March 27, 1986. The staff stated in the cover letter that the submittal in response to the license condition had been reviewed and found acceptable, and that the deletion of the license condition may be included in a future amendment application.

The Commission has provided standards for determining whether a significant hazards considerations exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee addressed the above three standards in the amendment application. In regard to the first standard, the licensee provided the following analysis.

The License Conditions deletions being proposed to the Facility Operating License are administrative; they do not affect assumptions contained in plant safety analyses, nor do they affect Technical Specifications that preserve safety analysis assumptions. Therefore, the proposed changes do not affect the probability or consequences of accidents previously analyzed.

In connection with the second standard, the licensee stated the following.

The changes being proposed to the Facility Operating License are administrative. Therefore, the proposed changes do not create the possibility of a new or different kind of accident.

Regarding the third standard, the licensee stated:

The changes being proposed by FPL are administrative; they do not relate to or modify the safety margins which have been previously reviewed and approved by the NRC. Therefore, the proposed changes should not involve any reduction in a margin of safety.

The staff has reviewed the licensee's no significant hazards consideration determination analysis. In addition, as discussed above, the staff has previously informed the licensee that both license conditions have been satisfied. Based upon this review, the staff believes that the licensee has met the three standards of 10 CFR 50.92. Therefore, the staff proposes to determine that the proposed amendments do not involve a significant hazards consideration.

**Local Public Document Room**  
location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 33450

**Attorney for licensee:** Harold F. Reis, Esquire, Newman and Holtzinger, 1615 L Street, NW., Washington, DC 20036

**NRC Project Director:** Herbert N. Berkow

**Florida Power and Light Company, et al.,**  
Docket No. 50-389, St. Lucie Plant, Unit No. 2, St. Lucie County, Florida

**Date of amendment request:** August 27, 1985, as supplemented May 7, 1986 and superseded October 19, 1987

**Description of amendment request:** The proposed amendment would make changes to the Technical Specifications of St. Lucie, Unit No. 2 to reflect the recommendations contained in Generic Letter 84-15, "Proposed Staff Actions to Improve and Maintain Diesel Generator Reliability," dated July 2, 1984. The amendment would also incorporate changes that were made to the North Anna Unit 2 Technical Specifications in North Anna Amendment No. 48.

The initial application dated August 27, 1985 was noticed in the **Federal Register** on October 9, 1985 (50 FR 41247). The licensee subsequently supplemented the initial application by letter dated May 7, 1986. The October 19, 1987 application supersedes both the August 27, 1985 and May 7, 1986 submittals. Therefore, the staff believes it is prudent to renounce the licensee's application dated October 19, 1987.

The amendment would change the Limiting Conditions for Operation (LCO) 3.8.1.1 as follows:

1. LCO 3.8.1.1.a - A footnote will be added to specify that the operability requirement can be met with one Unit 2 startup transformer (2A or 2B) inoperable provided that a Unit 1 startup transformer (1A or 1B) connected to the same A or B offsite power circuit for Unit 2 is administratively available to both units and not required for use on Unit 1. This proposed footnote is currently Action f. in the Technical Specifications.

2. Action a. - This action statement will now only address the inoperability of one offsite circuit. Present Action Statement a. addresses the inoperability of one offsite circuit or one diesel generator. The diesel generator test frequency will also be reduced.

3. Action b. - This action statement will address the inoperability of one diesel generator, which is currently addressed under Action Statement a. The diesel generator test frequency for the operable diesel generator will also be reduced. A footnote will be added to specify that the operable diesel generator will be tested regardless of when the inoperable diesel generator is restored to operability. Present Action Statement a. will be deleted, since proposed Action Statements a. and b. will address the requirements of one inoperable diesel generator or one inoperable offsite circuit.

4. Action c. - This action statement will address the inoperability of one diesel generator and one offsite circuit, and will also be changed to reflect the reduced diesel generator test frequency. This action statement will also incorporate the current wording in Action Statements b. and c. In addition, a footnote will be added such that the operable diesel generator test is required regardless of when the inoperable diesel generator is restored to operability. Present Action Statements b. and c. will be deleted because proposed Action c. will contain the requirements.

5. Action d. - This action statement would be changed to reflect the reduced diesel generator test frequency when two of the required offsite A.C. circuits are inoperable. Proposed Action Statement d. and current Action Statement d. both deal with two inoperable offsite circuits.

6. Action e. - This action statement deals with two inoperable diesel generators and will be changed to the extent that when one diesel generator is returned to operable status, the remaining inoperable diesel generator will be treated under proposed Action Statement b. above.

7. Action f. - This action statement, which deals with the startup transformers, will be transferred to LCO 3.8.1.1.a as discussed in item 1. above. The proposed Unit 2 action statement will apply when a Unit 1 startup transformer is being used to meet the Unit 2 operability requirements.

The above changes 1. thru 7. are consistent with the recommendations of Generic Letter 84-15, are similar to the NRC-approved changes to the North Anna Unit 2 Technical Specifications

and are editorial in nature (relettering of the action statements).

The amendment would also change the diesel generator Surveillance Requirements of 4.8.1.1.2 as follows:

8. Requirement a.4 - The engine speed requirement will be changed from "at least" 900 rpm to "approximately" 900 rpm in order to assure that the required frequency band of  $\pm 1.2$  Hertz can be met. A footnote will be added to specify that the diesel starts from ambient conditions and that the test will be performed at least once per 184 days and all other engine starts may be preceded by an engine prelude period and/or other warmup procedures recommended by the manufacturer. This footnote will, in effect, reduce the number of fast cold starts. Presently, all starts per this requirement are fast cold starts.

9. Requirement a.5 - This specification will allow for a gradual loading of the diesel generator versus the existing 60 second loading requirement. The specification would also specify a load band (3450 to 3685 Kw) to be used for at least an additional 60 minutes, instead of a minimum 3685 kw load. A footnote will be added to further define the requirements. The timing for the test will start at breaker closure time and the initial loading will be per manufacturer's recommendations. Variations in load in excess of the band due to changing bus loads will not invalidate the test.

10. Requirement d. - The present specification would become specification 4.8.1.1.2e.12 and the surveillance for the automatic load sequence timers will be changed from 12 months to 18 months because the old electropneumatic timing relays were replaced with Agastat DSC solid state devices, which are more accurate and reliable.

11. New footnote associated with e.4.b), e.5, and 3.6.b) - This footnote will be added to the specified requirements in order to incorporate the manufacturer's recommendations concerning engine prelube period and/or other warmup procedures.

12. Requirement e.7. - Generator load bands will be added to the specification instead of specifying minimum loads and a footnote will be added to state that the bands are meant as guidance to avoid routine overloading of the engine. The load band for the first 2 hours of the test will be 3800 to 3985 kw, instead of a minimum of 3985 kw. The load band for the remaining 22 hours will be 3450 to 3685 kw, instead of a minimum of 3685 kw.

13. Requirement e.8 - This specification will be changed to reflect the correct 2,000 hour rating connect

load of 3935 kw, per the vendor's technical manual. The current value is 3985 kw.

14. Requirement e.12 - This specification will be added as described in item 10. above.

15. Requirement 2.f - This requirement incorporates the same change as item 11. above (engine preconditioning) and the same change as item 8. above (engine speed).

16. Table 4.8-1 - This table would be changed to reflect more recent diesel generator testing schedules based on test failure experience. The test frequency of at least once per 31 days will be required for one or no failures in the last 20 starts and 7 day testing will be required for greater than two failures in the last 20 starts.

The amendment would also make an administrative change to the shutdown electrical power system surveillance requirements.

17. TS 4.8.1.2 - Reference to Surveillance Requirement 4.8.1.1.3 will be deleted from 4.8.1.2, and 4.8.1.2 will be renumbered as 4.8.1.2.1. The report associated with 4.8.1.1.3 will now be specification 4.8.1.2.2.

18. Bases Statement - The bases for the diesel generator Technical Specifications will be changed to reflect the fact that they are now based upon Generic Letter 84-15 and upon staff positions reflected in Amendment No. 48 to the North Anna Unit 2 Technical Specifications.

The above changes 8. thru 18. are consistent with the recommendations of Generic Letter 84-15, are similar to the NRC-approved changes to North Anna 2 Technical Specifications and are editorial in nature (relettering of surveillance requirements and updated bases statements).

*Basis for proposed no significant hazards consideration determination:* The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with a proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

A discussion of these standards as they relate to this amendment follows:

*Standard 1 - Involve a Significant Increase in the Probability or*

### *Consequences of an Accident Previously Evaluated.*

The probability of the occurrence of an accident previously evaluated in the Final Safety Analysis Report has not been affected since the diesel generators are not considered in determining the probabilities of accidents. The consequences of an accident previously evaluated in the Final Safety Analysis Report has not been adversely affected. Reducing the test frequency and modifying the starting requirements to be consistent with the diesel generator manufacturer's recommendations are intended to enhance diesel generator reliability by minimizing severe test conditions that can lead to premature failures. In addition, the probability of a malfunction of equipment important to safety previously evaluated in the Final Safety Analysis Report has been reduced since the severe test requirements have been reduced. This will result in increased diesel generator reliability. Furthermore, the consequences of a malfunction of equipment important to safety has not changed since the new surveillance requirements will not affect the operation or operability of the diesel generators or any other safety-related equipment.

### *Standard 2 - Create the Possibility of a New or Different Kind of Accident from any Accident Previously Evaluated.*

The possibility of a new accident or a different kind of accident than previously evaluated in the Final Safety Analysis Report has not been created since the change affects the frequency of starting and the loading practices during testing of the diesel generators only and has no impact on actual accident analyses.

### *Standard - 3 Involve a Significant Reduction in a Margin of Safety.*

The margin of safety is not reduced by the proposed changes. Changes in the testing requirements do not affect the ability of the diesel generators to perform their function.

The staff has reviewed the licensee's no significant hazards consideration determination analysis. The staff agrees with the licensee that the standards have been met. The staff believes that the reduced diesel generator test frequency and the reduced number of fast cold starts, in particular, will improve the diesel generator reliability. The staff also believes that the change to engine speed requirements, kw loading requirements and the addition of manufacturer preconditioning requirements will also improve the diesel generator reliability. The editorial-related changes (relettering of

action statements and surveillance requirements, updating bases statements) also meet the standards of 10 CFR 50.92. Based upon the above discussion, the staff proposes that the changes proposed in the revised submittal dated October 19, 1987, do not involve a significant hazards consideration.

*Local Public Document Room location:* Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 33450

*Attorney for licensee:* Harold F. Reis, Esquire, Newman and Holtzinger, 1615 L Street, NW., Washington, DC 20036

*NRC Project Director:* Herbert N. Berkow

**Indiana and Michigan Power Company, Docket Nos. 50-315 and 50-316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan**

*Date of amendments request:* July 31, 1987 as supplemented by letter dated October 26, 1987.

*Description of amendments request:* The proposed amendments would add to the Technical Specifications the requirements for containment high range radiation monitors. These additions are to satisfy requirements of the TMI Action Item (NUREG-0737) HF.1.3, in accordance with the guidance provided in Generic Letter 83-37. The proposed amendments to add containment high range radiation monitors were previously noticed on September 9, 1987 (52 FR 34012).

*Basis for proposed no significant hazards consideration determination:* The Commission has provided guidance concerning the application of these standards by providing certain examples (51 FR 7751). One of the examples, (ii), of actions involving no significant hazards considerations relates to a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. This amendment application relates directly to the example in that the requirements and surveillances for the containment high-range radiation monitors are additional limitations for operation.

*Local Public Document Room location:* Maude Preston Palenske Memorial Library, 400 Market Street, St. Joseph, Michigan 49085.

*Attorney for licensee:* Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

*NRC Project Director:* Kenneth E. Perkins

**Long Island Lighting Company, Docket No. 50-322, Shoreham Nuclear Power Station, Suffolk County, New York**

*Date of amendment request:* October 14, 1987

*Description of amendment request:* The proposed amendment to the Operating License NPF36 and the Technical Specifications would (1) correct a typographical error in Operating License NPF36 on page 6, section (8), to make the reference to 10 CFR 50.59 read 10 CFR 50.49; (2) correct a Technical Specification internal inconsistency in the report title in Specification 3.12.1 Action a; and (3) correct an inconsistency, with other documents, in the designation of a number of valves on table 3.6.3-1.

*Basis for proposed no significant hazards consideration determination:* The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists (51 FR 7744, dated March 6, 1986). The proposed change corresponds to Example (i) for purely administrative changes to achieve consistency. The proposed changes are editorial in nature and involve corrections to a typographical error, inconsistencies of a report title and the designation of certain valves. There are no physical changes to equipment or the conduct of operation. Therefore, because the proposed change corresponds to Example (i), noted above, the Commission proposes to determine that the proposed amendment involves no significant hazards considerations.

*Local Public Document Room location:* Shoreham-Wading River Public Library, Route 25A, Shoreham, New York 11786

*Attorney for licensee:* W. Taylor Reveley, III, Esq., Hunton and Williams, P. O. Box 1535, Richmond, Virginia 23212

*NRC Project Director:* Walter R. Butler

**Nebraska Public Power District, Docket No. 50-298, Cooper Nuclear Station, Nemaha County, Nebraska**

*Date of amendment request:* October 28, 1987

*Description of amendment request:* The amendment would modify the Technical Specifications relating to reactor vessel pressure and temperature limitations for prevention of brittle fracture. Technical Specifications 3.6.A.2, 3.6.A.3 and associated figures would be revised to provide new limitations based on the results of the Reactor Vessel Material Surveillance Program which shows a higher than originally predicted shift in nil-ductility transition temperature. The format of the Pressure-Temperature figures would be revised to delete extraneous information and provide a simplified presentation to facilitate their use in the control room.

*Basis for proposed no significant hazards consideration determination:* The Commission has provided guidance for the application of criteria for no significant hazards consideration determination by providing examples of amendments that are considered not likely to involve significant hazards considerations (51 FR 7751). These examples include:

(i) A purely administrative change to Technical Specifications: for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature.

(vii) A change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations.

10 CFR Part 50 Appendix G specifies Fracture Toughness Requirements for the reactor coolant pressure boundary. 10 CFR Part 50 Appendix H requires the licensee to implement a Reactor Vessel Material Surveillance Program to ensure that the safety margins required by Appendix H are maintained for the reactor vessel. Paragraph III.C of Appendix H requires submittal of a Technical Specifications amendment application when results of the surveillance program indicate a need to adjust the pressure-temperature limits. The proposed amendment satisfies this regulation and would restore the required safety margin for prevention of brittle fracture. The change is therefore within the scope of example (vii).

The change in format in the presentation of the pressure-temperature limitation figures would simplify the use of the figures by deleting non-limiting data and eliminating one of the figures by combining its information into the remaining figures. This change is

considered administrative or editorial in nature and is within the scope of example (i).

Since the application for amendment involves proposed changes that are encompassed by examples for which no significant hazards consideration exists, the staff has made a proposed determination that the application involves no significant hazards consideration.

*Local Public Document Room location:* Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

*Attorney for licensee:* Mr. G.D. Watson, Nebraska Public Power District, Post Office Box 499, Columbus, Nebraska 68601.

*NRC Project Director:* Jose A. Calvo

**Rochester Gas and Electric Corporation, Docket No. 50-244, R. E. Ginna Nuclear Power Plant, Wayne County New York**

*Date of amendment request:* October 27, 1987

*Description of amendment request:* Rochester Gas and Electric Corporation (the licensee) has requested permission to plug up to 15% of the GINNA Steam Generator tubing in the event it is required. This level of Steam Generator plugging requires the following Technical Specification changes:

1. Figure 2.1-1, Core DNB Safety Limits have been changed reflecting the 2.2 percent reduction in the RCS thermal design flow with the higher level of tube plugging.

2. The Overtemperature and Overpower Delta T setpoints have been changed to provide protection for the adjusted Core DNB Safety Limits.

3. Miscellaneous changes to the bases to incorporate an updated description and references.

The proposed changes involve the graphical depiction of core DNB safety limits and changes to OT and OP Delta T setpoints.

*Basis for proposed no significant hazards consideration determination:* The Commission has provided standards for determining whether a significant hazards determination exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazard consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from an accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The intent of the proposed changes to the Technical Specifications are to revise the core safety limit curves and overpower and overtemperature delta T

setpoints resulting from increasing the percentage of plugged steam generator tubes to 15%, instead of the previously NRC approved 12% tube plugging (Amendment 66 dated 5/1/84 under the provisional license). The reanalysis shows that the extra 3% tube plugging does not change the previously accepted analysis.

*Local Public Document Room location:* Rochester Public Library, 115 South Avenue, Rochester, New York 14610

*Attorney for licensee:* Harry Voigt, LeBoeuf, Lamb, Leiby and McRae, Suite 1100, 1333 New Hampshire, NW., Washington, DC 20036

*NRC Project Director:* Vernon L. Rooney, Acting Director

**Union Electric Company, Docket No. 50-483, Callaway Plant, Unit 1, Callaway County, Missouri**

*Date of amendment request:* September 10, 1987

*Description of amendment request:* The proposed amendment would delete Item 1.a from Table 4.3-3 that was inadvertently omitted in the licensee's December 30, 1986 amendment request, and revise Technical Specification 4.11.2.5 to correct an administrative oversight that references the wrong specification for Table 3.1-13.

*Basis for proposed no significant hazards consideration determination:* The Commission has provided guidance concerning the application of the standards in 10 CFR Section 50.92 by providing certain examples (51 FR 7751) of actions not likely to involve a significant hazard. Example (i) of this guidance states: "A purely administrative change to technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature."

The proposed license amendment is directly related to the above example. The limiting condition for operation and operability requirements associated with Item 1.a of Table 3.3-6 were deleted via Amendment 20. Part of the proposed change is to delete the corresponding surveillance requirements, Item 1.a of Table 4.3-3, that was inadvertently omitted in the licensee's December 30, 1986 amendment request. Regarding the other part of the proposed change, Technical Specification 4.11.2.5 incorrectly identifies Table 3.3-13 as being part of specification 3.3.3.11, when in fact the table is actually located in specification 3.3.3.10.

Based on the above discussions, the staff proposes to determine that the proposed technical specification

changes do not involve a significant hazards consideration.

**Local Public Document Room**  
location: Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251 and the John M. Olin Library, Washington University, Skinker and Lindell Boulevards, St. Louis, Missouri 63130.

**Attorney for licensee:** Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

**NRC Project Director:** Kenneth E. Perkins.

**Union Electric Company, Docket No. 50-483, Callaway Plant, Unit 1, Callaway County, Missouri**

**Date of amendment request:**  
September 10, 1987

**Description of amendment request:**  
The proposed amendment would revise Technical Specification Table 4.3-1 surveillance requirements and would include the addition of functional testing requirements for the reactor trip bypass breakers prior to placing them in service during monthly reactor trip breaker testing and during refueling outages.

**Basis for proposed no significant hazards consideration determination:**  
The Commission has provided guidance concerning the application of the standards in 10 CFR Section 50.92 by providing certain examples (51 FR 7751) of actions not likely to involve a significant hazard. Example (ii) of this guidance states: "A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications, e.g., a more stringent surveillance requirement."

The proposed license amendment is directly related to the above example. The proposed change would add functional testing requirements for the reactor trip bypass breakers which are not presently included in the technical specifications.

**Local Public Document Room**  
location: Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251 and the John M. Olin Library, Washington University, Skinker and Lindell Boulevards, St. Louis, Missouri 63130.

**Attorney for licensee:** Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

**NRC Project Director:** Kenneth E. Perkins, Jr.

# NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

During the period since publication of the last bi-weekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

**Alabama Power Company, Docket Nos. 50-348 and 50-364, Joseph M. Farley Nuclear Plant, Unit 1 and 2, Houston County, Alabama.**

**Date of application for amendments:**  
May 4, 1987

**Description of amendments:** These amendments revise the Limiting

Condition for Operation and associated Action and Surveillance Requirements of Technical Specification 3.6.1.7, Containment Ventilation System. Also, the Technical Specification and Bases sections for Containment Ventilation are changed to be consistent with the guidance provided to the licensee by the NRC staff in a letter dated June 19, 1986.

**Date of issuance:** November 16, 1987

**Effective date:** November 16, 1987

**Amendment Nos.:** 74 and 66

**Facility Operating License Nos. NPF-2 and NPF-8.** Amendments revise the Technical Specifications.

**Date of initial notice in Federal Register:** June 17, 1987 (52 FR 23095) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 16, 1987.

**No significant hazards consideration comments received:** No

**Local Public Document Room**  
location: George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303

**Commonwealth Edison Company, Docket Nos. STN 50-454 and STN 50-455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois and Docket No. STN 50-456, Braidwood Station, Unit No. 1, Will County, Illinois**

**Date of application for amendments:**  
August 7, 1987

**Brief description of amendments:**  
These amendments revised the Technical Specifications to allow a one-time extension to 31 months from 18 months for the diesel generator surveillance testing interval. For Byron Station, these amendments also correct an oversight made in Amendment No. 9, issued July 23, 1987, concerning a title change in the Administrative Controls section of the Byron Technical Specifications.

**Date of issuance:** October 30, 1987

**Effective date:** October 30, 1987

**Amendment Nos.:** 11 for Byron, 1 for Braidwood

**Facility Operating License Nos. NPF-37 and NPF-66 and NPF-72.**

Amendments revised the Technical Specifications.

**Date of initial notice in Federal Register:** August 26, 1987 (52 FR 32195). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated October 30, 1987.

**No significant hazards consideration comments received:** No

**Local Public Document Room**  
location: For Byron Station the Rockford Public Library, 215 N. Wyman Street, Rockford, Illinois 61101; for Braidwood Station the Wilmington Township Public

Library, 201 S. Kankakee Street,  
Wilmington, Illinois 60481.

**Connecticut Yankee Atomic Power Company, Docket No. 50-213, Haddam Neck Plant, Middlesex County, Connecticut**

*Date of application for amendment:* June 1, 1987 as modified by June 22, 1987.

*Brief description of amendment:* The license amendment supports operation of the Haddam Neck Plant for Cycle 15 and reflects major efforts in upgrading design analysis of transients and in reformatting existing technical specifications as part of the planned conversion to the Westinghouse standard technical specifications.

More specifically, the license amendment deletes existing technical specifications 3.15, "Reactivity Anomalies," 3.16, "Isothermal Coefficient of Reactivity," 3.18, "Power Distribution Monitoring and Control," and 3.10, "Reactor Coolant System Flow, Temperature and Pressure." The information contained in those specifications have been reorganized along with additional limiting conditions of operation, action statements and surveillance requirements, which are consistent with the guidance of the Westinghouse standard technical specifications, into revised Technical Specifications 3.3, "Reactor Coolant System Operational Components," 3.10, "Reactivity Control" and 3.17, "Limiting Linear Heat Generation Rate," as required, to assure completeness with the previous existing technical specification. One new specification (3.24) has been added to formalize the special test exceptions required to perform various startup physics tests.

In addition, existing technical specifications in sections 1.0, "Definitions," 2.2, "Safety Limits," 2.4, "Maximum Safety Settings Protective Instrumentation," 3.11, "Containment," 3.13, "Refueling," 3.5, "Chemical and Volume Control System," 3.7, "Minimum Water Volume and Boron Concentration in the Refueling Water Storage Tank," and 4.9, "Main Steam Isolation Valves" has been revised to account for the revised safety analyses in support of the safe operation of the Haddam Neck Plant for Cycle 15.

*Date of issuance:* November 12, 1987.

*Effective date:* November 12, 1987.

*Amendment No.:* 97.

*Facility Operating License No. DPR-61.* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* August 26, 1987 (52 FR 32199). The Commission's related evaluation of the amendment is contained in a Safety

Evaluation dated November 12, 1987. No significant hazards consideration comments received: No.

*Local Public Document Room location:* Russell Library, 124 Broad Street, Middletown, Connecticut 06457.

**Consolidated Edison Company of New York, Docket No. 50-247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York**

*Date of application for amendment:* May 5, 1977, as supplemented February 16, 1984 and superseded July 18, 1986, as revised July 14, 1987.

*Brief description of amendment:* The amendment revises the Technical Specifications to incorporate a commitment to an Inservice Inspection and Testing Program and periodic updating consistent with 10 CFR 50.55a. The issuance of this amendment also eliminates the need for issuance of an amendment applied for by letter dated August 29, 1983. This application requested an amendment concerning reactor coolant pump casing and welds. With issuance of this amendment, the August 29, 1983 amendment is no longer applicable.

*Date of issuance:* November 18, 1987

*Effective date:* November 18, 1987

*Amendment No.:* 129

*Facility Operating License No. DPR-26:* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* October 27, 1983 (48 FR 49713), renounced February 24, 1984 (49 FR 7053), May 23, 1984 (49 FR 21828), April 23, 1986 (51 FR 15396), September 10, 1986 (51 FR 32266) and August 26, 1987 (52 FR 32202). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 18, 1987.

*No significant hazards consideration comments received:* No

*Local Public Document Room location:* White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

**Consolidated Edison Company of New York, Docket No. 50-247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York**

*Date of application for amendment:* May 29, 1987, as supplemented August 3, 1987 and September 30, 1987.

*Brief description of amendment:* The amendment revises the Technical Specifications to permit the Residual Heat Removal pumps to remain operable during the performance of the Safety Injection Test. The change was proposed to facilitate outage planning.

*Date of issuance:* November 18, 1987

*Effective date:* November 18, 1987

*Amendment No.:* 128

*Facility Operating License No. DPR-26:* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* September 9, 1987 (52 FR 34029) the Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 18, 1987.

*No significant hazards consideration comments received:* No

*Local Public Document Room location:* White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

**Consolidated Edison Company of New York, Docket No. 50-247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York**

*Date of application for amendment:* July 17, 1987

*Brief description of amendment:* The amendment revises the Technical Specifications to allow a containment integrated leak rate test duration of less than 24 hours as described in Bechtel Power Corporation Topical Report, BN-TOP-1, Revision 1.

*Date of issuance:* November 16, 1987

*Effective date:* November 16, 1987

*Amendment No.:* 127

*Facility Operating License No. DPR-26:* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* October 7, 1987 (52 FR 7544). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 16, 1987.

*No significant hazards consideration comments received:* No

*Local Public Document Room location:* White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

**Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina**

*Date of application for amendments:* June 3, 1987

*Brief description of amendments:* The amendments modified the Technical Specifications to allow the unit to remain at power for up to 72 hours with more than one full-length control rod inoperable but trippable.

*Date of issuance:* November 13, 1987

*Effective date:* November 13, 1987

*Amendment Nos.:* 33 and 24

*Facility Operating License Nos. NPF-35 and NPF-52.* Amendments revised the Technical Specifications.

*Dates of initial notices in Federal Register:* July 15, 1987 (52 FR 26584) The

Commission's related evaluation of the amendments is contained in a Safety Evaluation dated November 13, 1987

*No significant hazards consideration comments received:* No

*Local Public Document Room location:* York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

**Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina**

*Date of application for amendments:* July 31, 1987

*Brief description of amendments:* The amendments modified the Technical Specifications (TS) to revise the limiting condition for operation action statements to increase the time allowance for restoration of boron concentration in an accumulator that is out of specification and to reflect these changes in the TS Bases.

*Date of issuance:* November 10, 1987

*Effective date:* November 10, 1987

*Amendment Nos.:* 31 and 22

*Facility Operating License Nos. NPF-35 and NPF-52.* Amendments revised the Technical Specifications.

*Date of initial notice in Federal Register:* September 23, 1987 (52 FR 35791) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated November 10, 1987

*No significant hazards consideration comments received:* No

*Local Public Document Room location:* York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

**Duquesne Light Company, Docket No. 50-334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania**

*Date of application for amendment:* January 14, 1986 and supplemented by letters dated July 25, 1986 and June 12, 1987

*Brief description of amendment:* The amendment changes the Technical Specifications for Beaver Valley Unit No. 1 to accommodate replacement of Sostman resistance temperature detectors (RTDs) with Rosemount RTDs in the reactor protection system. Specifically, the changes added two lag compensator terms to the setpoint equations and reduced the response time requirement from 6 to 4 seconds.

*Date of issuance:* November 13, 1987

*Effective date:* November 13, 1987

*Amendment No.:* 118

*Facility Operating License No. DPR-66.* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* March 12, 1986 (51 FR 8589). The supplemental submittals of July 25, 1986 and June 12, 1987 did not change the original request, and only provided clarification. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 13, 1987

*No significant hazards consideration comments received:* No.

*Local Public Document Room location:* B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

**GPU Nuclear Corporation, Docket No. 50-219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey**

*Date of application for amendment:* June 19, 1987

*Description of amendment request:* June 19, 1987, supplemented July 14, 1987

*Brief description of amendment:* This amendment involves a change in a surveillance requirement to include leak testing after each primary coolant system pressure isolation valve movement.

*Date of Issuance:* November 6, 1987

*Effective date:* November 6, 1987

*Amendment No.:* 118

*Provisional Operating License No. DPR-16.* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* August 12, 1987 (52 FR 29917) he July 14, 1987 licensee submittal provided the revised no significant hazards consideration determination. The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated November 6, 1987

*No significant hazards consideration comments received:* No.

*Local Public Document Room location:* Ocean County Library, 101 Washington Street, Toms River, New Jersey 08753.

**Northeast Nuclear Energy Company, et al., Docket No. 50-335, Millstone Nuclear Power Station, Unit No. 2, Town of Waterford, Connecticut**

*Date of application for amendment:* July 14 and September 4, 1987

*Brief description of amendment:* The amendment modified the Technical Specifications as follows: (1) TS 4.4.5.1.4, "Acceptance Criteria", is modified to address the wall thinning criteria for steam generator sleeves and to remove a footnote and (2) TS 3.4.6.2, "Reactor Coolant System Leakage", is change to decrease the allowable primary-to-secondary leakage (through any one steam generator) from 0.5 to 0.15 gpm.

*Date of issuance:* November 13, 1987

*Effective date:* November 13, 1987

*Amendment No.:* 121

*Facility Operating License No. DPR-65.* Amendment revised the Technical Specifications.

*Dates of initial notices in Federal Register:* September 23, 1987 (52 FR 85800) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 13, 1987

*No significant hazards consideration comments received:* No

*Local Public Document Room location:* Waterford Public Library, Rope Ferry Road, Waterford, Connecticut

**Northern States Power Company, Docket No. 50-263, Monticello Nuclear Generating Plant, Wright County, Minnesota**

*Date of application for amendment:* April 9, 1987 as supplemented by letter dated June 15, 1987

*Brief description of amendment:* The amendment revised the Technical Specifications to reflect the extension by approximately one-month of the interval for performance of the containment integrated leak rate test in order to coincide with the 1989 refueling cycle.

*Date of issuance:* November 18, 1987

*Effective date:* November 18, 1987

*Amendment No.:* 52

*Facility Operating License No. DPR-22.* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* July 15, 1987 (52 FR 26580 at 26592) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 18, 1987.

*No significant hazards consideration comments received:* No.

*Local Public Document Room location:* Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

**Pennsylvania Power and Light Company, Docket Nos. 50-387 and 50-388, Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania**

*Date of application for amendments:* June 10, 1987, as supplemented by letters dated September 1 and September 24, 1987.

*Brief description of amendments:* These amendments changed the Technical Specifications for Susquehanna Steam Electric Station (SSES), Units 1 and 2 to change the load profiles for batteries 1D612, 1D622, 1D632, and 1D642. The changes are intended to accommodate the installation of Alternate Rod Injection

solenoid valves in compliance with the Anticipated Transient Without Scram (ATWS) rule, and to recognize additional loads due to emergency lighting.

*Date of issuance:* November 6, 1987

*Effective dates:* Unit 1: Upon startup for Unit 1 Cycle 4 operation; Unit 2: Upon Unit 1 startup for Cycle 4 operation.

*Amendment Nos. 74 and 40*

*Facility Operating License Nos. NPF-14 and NPF-22.* These amendments revised the Technical Specifications.

*Date of initial notices in Federal*

**Register:** July 15, 1987 (52 FR 26595); second notice, September 23, 1987 (52 FR 35802); third notice, October 1, 1987 (52 FR 36849) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated November 6, 1987

*No significant hazards consideration comments received:* No

*Local Public Document Room*

*location:* Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

**Portland General Electric Company, Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon**

*Date of application for amendment:* July 14, 1987

*Brief description of amendment:* This amendment revises Technical Specification (TS) Section 3/4.11.3, "Solid Radioactive Waste," by deleting a nonexistent TS reference within TS Section 3.11.3.1.b.

*Date of issuance:* November 9, 1987

*Effective date:* November 9, 1987

*Amendment No.:* 136

*Facilities Operating License No. NPF-1:* Amendment revised the Technical Specifications.

*Date of initial notice in Federal*

**Register:** October 7, 1987 (52 FR 37551) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 9, 1987.

*No significant hazards consideration comments received:* No

*Local Public Document Room*

*location:* Branford Price Millar Library, Portland State University, 731 S. W. Harrison St., Portland Oregon 97207

**Power Authority of The State of New York, Docket No. 50-286, Indian Point Unit No. 3, Westchester County, New York**

*Date of application for amendment:* May 7, 1987

*Brief description of amendment:* The amendment revises the Technical Specifications to clarify the operation of the Fuel Storage Building (FSB)

Emergency Ventilation System. The upper and lower bypass dampers are being replaced by manual isolation devices to enhance isolation of the FSB Emergency Ventilation System during fuel handling operations.

*Date of issuance:* November 16, 1987

*Effective date:* November 16, 1987

*Amendment No.:* 79

*Facility Operating License No. DPR-64:* Amendment revised the Technical Specifications.

*Date of initial notice in Federal*

**Register:** July 29, 1987 (52 FR 28386) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 16, 1987

*No significant hazards consideration comments received:* No

*Local Public Document Room*

*location:* White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

**Public Service Electric & Gas Company, Docket No. 50-354, Hope Creek Generating Station, Salem County, New Jersey**

*Date of application for amendment:* July 14, 1987

*Brief description of amendment:* This amendment increased the minimum required concentration and the minimum required weight of sodium pentaborate in the standby liquid control system storage tank.

*Date of issuance:* November 9, 1987

*Effective date:* November 9, 1987, and shall be implemented within 60 days of issuance.

*Amendment No. 11*

*Facility Operating License No. NPF-57.* This amendment revised the Technical Specifications.

*Date of initial notice in Federal*

**Register:** August 26, 1987 (52 FR 32208) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 9, 1987.

*No significant hazards consideration comments received:* No

*Local Public Document Room*

*location:* Pennsville Public Library, 190 S. Broadway, Pennsville, New Jersey 08070

**Public Service Electric & Gas Company, Docket Nos. 50-272 and 50-311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey**

*Date of application for amendments:* May 5, 1987 and supplemented by letters dated September 2, 1987 and October 1, 1987

*Brief description of amendments:* The amendments changed the Technical Specifications due to modification of the reactor trip system and emergency safety features response times to

accommodate the removal of the RTD bypass system. The supplemental information clarified the language of the original submittal and did not contain substantive changes.

*Date of issuance:* November 16, 1987

*Effective date:* November 16, 1987

*Amendment Nos. 84 and 56*

*Facility Operating License Nos. DPR-70 and DPR-75.* These amendments revised the Technical Specifications.

*Date of initial notice in Federal*

**Register:** June 17, 1987 (52 FR 23106) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated November 16, 1987.

*No significant hazards consideration comments received:* No

*Local Public Document Room*

*location:* Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079

**Sacramento Municipal Utility District, Docket No. 50-312, Rancho Seco Nuclear Generating Station, Sacramento County, California**

*Date of application for amendment:* April 23, 1987

*Brief description of amendment:* The amendment revised (1) Technical Specification (TS) 3.2.2 related to the Low Temperature Overpressure Protection System to provide for venting and surveillance testing of this system and (2) TS 4.31 to specify the minimum flow rate criteria for the emergency heating, ventilation and air conditioning system in the Nuclear Service Electric Building.

*Date of issuance:* November 13, 1987

*Effective date:* November 13, 1987

*Amendment No.:* 90

*Facility Operating License No. DPR-54:* Amendment revised the Technical Specifications.

*Date of initial notice in Federal*

**Register:** September 23, 1987 (52 FR 38504) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 13, 1987.

*No significant hazards consideration comments received:* No

*Local Public Document Room*

*location:* Sacramento City-County Library, 828 I Street, Sacramento, California 95814

**Southern California Edison Company, et al, Docket Nos. 50-361 and 50-362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California**

*Date of application for amendments:* July 17, 1987

*Brief description of amendments:* The amendments define as limiting

conditions for operation the volumes and concentrations of borated water to be maintained in the refueling water storage tank and the minimum boron concentration for refueling.

*Date of issuance:* November 17, 1987

*Effective date:* Unit 2 within 30 days of issuance; Unit 3 upon initial startup for Cycle 4 of operation.

*Amendment Nos.:* 61 and 50

*Facility Operating License Nos. NPF-10 and NPF-15:* Amendments revise the Technical Specifications.

*Date of initial notice in Federal Register:* September 23, 1987 (52 FR 35805) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated November 17, 1987.

*No significant hazards consideration comments received:* No.

*Local Public Document Room location:* General Library, University of California at Irvine, Irvine, California 92713.

**Virginia Electric and Power Company, Docket Nos. 50-280 and 50-281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia.**

*Date of application for amendments:* September 25, 1987, as superseded October 7, 1987.

*Brief description of amendments:* The amendments revise Section 4.7, "Main Steam Line Trip Valves" of the Surry Units 1 and 2 Technical Specifications (TS) by removing the partial-closure test specified in Sections 4.7A and 4.7B and replacing it with a more rigorous full-closure test to be performed at each startup. The amendments also revise the acceptance criteria for the Main Steam Trip Valve (MSTV) closure time testing. Table 4.1-2A is also revised to be consistent with TS 4.7.

*Date of issuance:* November 17, 1987

*Effective date:* November 17, 1987

*Amendment Nos.:* 114 and 114

*Facility Operating License Nos. DPR-32 and DPR-37:* Amendments revised the Technical Specifications.

*Date of initial notice in Federal Register:* October 16, 1987 (52 FR 28547) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 17, 1987.

*No significant hazards consideration comments received:* No

*Local Public Room location:* Swem

Library, College of William and Mary, Williamsburg, Virginia 23185

**Wolf Creek Nuclear Operating Corporation, Kansas Gas and Electric Company, Kansas City Power & Light Company, Kansas Electric Power Cooperative, Inc., Docket No. 50-482, Wolf Creek Generating Station, Coffey County, Kansas**

*Date of amendment request:* July 28, 1987.

*Brief description of amendment:* Revises Technical Specification Figure 6.2-2 to reflect changes in organizational reporting relationships. Technical Specification 6.3.1 is also being revised to replace reference to the Site Health Physicist with a reference to the Radiation Protection Manager.

*Date of issuance:* November 10, 1987

*Effective date:* November 10, 1987

*Amendment No.:* 13

*Facility Operating License No. NPF-42:* Amendment revised the Technical Specifications.

*Date of initial notice in Federal Register:* August 26, 1987 (52 FR 32213). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 10, 1987.

*No significant hazards consideration comments received:* No.

*Local Public Document Room location:* Emporia State University, William Allen White Library, 1200 Commercial Street, Emporia, Kansas 66801 and Washburn University School of Law Library, Topeka Kansas.

Dated at Bethesda, Maryland this 25th day of November, 1987.

FOR THE NUCLEAR REGULATORY COMMISSION

Frank J. Miraglia

Associate Director for Projects, Office of Nuclear Reactor Regulation.

[Doc. 87-27569 Filed 12-1-87; 8:45 am]

BILLING CODE 7590-01-D

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-25156; File No. SR-NASD-87-36]

### Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

On September 28, 1987, the National Association of Securities Dealers, Inc. ("NASD"), submitted to the Securities and Exchange Commission

("Commission"), pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4<sup>2</sup> thereunder a proposed rule change to establish the NASDAQ Workstation Service on a permanent basis, to expand access to non-market maker subscribers, and to set applicable subscriber fees.

Notice of the proposed rule change, together with its terms of substance was provided by the issuance of a Commission release (Securities Exchange Act Release No. 25033, October 15, 1987), and by publication in the *Federal Register* (52 FR 38827, October 19, 1987). The Commission received one comment letter<sup>3</sup> on the proposed rule change and a response thereto from the NASD.<sup>4</sup>

### I. Background

The Workstation Service is an NASD initiative to further develop the delivery and display of basic market information, currently available from the NASD on NASDAQ Harris terminals. Subscribers will be able to substitute certain personal computer terminals using NASD-licensed software and a designated communications co-processor board for existing Harris terminals. Delivery of current market information to subscribers will no longer require individual queries that must be processed by NASDAQ, Inc.'s mainframe computer. Instead, data relating to securities selected by the subscriber will be broadcast to Workstation computers for storage, processing and retrieval. In addition, the Service is intended to improve data management capabilities, as compared with those currently available to NASDAQ Level 2/3 subscribers. Workstation subscribers will be able to access more data at any given time than is now possible with Level 2/3 Harris terminal service.<sup>5</sup> For example, the software features of the Service will include: (1) a market minder/limit

<sup>1</sup> 15 U.S.C. 78s(b) (1982).

<sup>2</sup> 17 CFR 240.19b-4 (1987).

<sup>3</sup> Letter from Daniel T. Brooks, Cadwalader, Wickersham & Taft, Counsel for Instinet Corporation ("Instinet"), to Jonathan G. Katz, Secretary, SEC, dated October 28, 1987.

<sup>4</sup> Letter from Frank J. Wilson, Executive Vice President and General Counsel, NASD, to Jonathan G. Katz, Secretary, SEC, dated November 6, 1987.

<sup>5</sup> Level 2 service provides subscribers with a full listing of all market maker quotations for each NASDAQ security. Level 3, which is provided to NASDAQ market makers, is identical to Level 2, except that it also has an "update function" that permits market makers to enter new quotations for securities in which they make a market.

watch<sup>6</sup> with dynamic updates;<sup>7</sup> (2) specialized displays to monitor inside quotation<sup>8</sup> changes, other quote updates and last sale reports; (3) bid/ask retrieval with dynamic updates; and (4) multiple screen segments.

The NASDAQ Workstation Service has been approved on a pilot basis since July 31, 1987, and is described in the Commission releases relating to the pilot.<sup>9</sup> The NASD now seeks Commission approval of the following: permanent status for the NASDAQ Workstation Service; expanded access for non-market maker subscribers;<sup>10</sup> and the fees for the Service.

## II. Comment

NASDAQ Level 3/4 subscribers currently pay a monthly service charge of \$150 per terminal and \$0.02 per quotation query, in addition to various equipment-related charges. In comparison, the proposed Workstation Service monthly fees are comprised of: (1) a service fee of \$300 per personal computer ("PC"); (2) advanced communications charges of \$135 for the first PC and \$85 for each additional PC; and (3) a maintenance charge of \$55 per PC.

Instinet's comment focuses on the \$300 service fee. Instinet's concern is that the NASD may be using other resources to cross-subsidize the Workstation Service, and thus pricing the service below cost. Instinet bases its analysis upon the NASD's description of the fee in its rule filing as having been computed to be "revenue neutral." Instinet maintains that, based upon the facts provided in the NASD's rule filing and specifically the assertion that the fee is "revenue neutral," the fee cannot be designed to recover the costs of the

Workstation Service, because it appears to represent only the recovery of NASDAQ Level 3/4 costs, and not to include a component for recovery of development costs of the new service. In brief, Instinet asks that the Commission institute proceedings to disapprove the proposed rule changes until such time as the NASD shows that the \$300 service fee represents at least the reasonable cost for the provision of the Workstation Service.

In its response to Instinet's comments, the NASD represented that the development cost of the Workstation "have been estimated in good faith and included within the formulation of the proposed [\$300] fee." Further, the NASD explained in greater detail the financial bases for the computation of the service fee and its three components: (1) recovery of development costs; (2) the cost of communication lines and dial back-up facilities to support the Workstation network; and (3) the \$150 charge (currently imposed for Level 3/4 service, which the Workstation Service is intended to replace on a one-for-one basis) that is intended to cover the cost of processing quotations for broadcast to the Workstation. In addition, the NASD explained how it arrived at the dollar amount for each of these components.

In addition, the NASD noted that if the Workstation Service ultimately comes to substantially replace the existing Level 3/4 terminals it will result in the reduction of query processing and associated costs. If anything, this might argue for a reduction of the total NASDAQ system costs which should be recovered from NASDAQ Level 2 and 3 users as compared to the amount recouped from the "pass through" services such as NASDAQ Level 1 and National Quotation Data Service ("NQDS"). Accordingly, the NASD represented that it would reevaluate the Workstation Service fee structure and propose appropriate modifications, when that occurs, but that during the interim it endeavored to construct a fee approach which both recovered the costs of Workstation and was fair to existing NASDAQ subscribers.<sup>11</sup>

## III. Discussion

In section 11A of the Act, Congress made several findings with respect to the establishment of a national market system, including that "[n]ew data processing and communications techniques create the opportunity for

more efficient and effective market operations"<sup>12</sup> and that "[i]t is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure \* \* \* the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities."<sup>13</sup>

The Commission believes that the introduction of the Workstation Service on a permanent basis, and its availability to non-market maker subscribers who may now subscribe to NASDAQ Level 2 service, has the potential to promote greater efficiency in the NASDAQ market and is consistent with the goals of Section 11A of the Act. The application of the advanced data processing and communications feature of the Workstation Service should enhance the operational efficiency of market maker subscribers and improve the flow of securities information to other subscribers as well. In particular, the Commission believes that the introduction of dynamic updating for the NASDAQ system provides important benefits to that market and public investors. Most vendors of securities information, including Instinet, provide for dynamic updating services. These services allow subscribers to monitor trade and quote changes regarding selected securities on a real-time basis thereby avoiding the need to repeatedly inquire (i.e., query the main data base) for current quotes and trade reports. Such current information contributes to the efficient pricing of securities. In addition, because dynamic updating eliminates the need for repeated quote updates, the communications traffic associated with those updates is also reduced.

Nonetheless, when a registered national securities association such as the NASD undertakes to provide a service such as the Workstation Service, section 15A of the Act requires, *inter alia*, that "[t]he rules of the association provide for the equitable allocation of reasonable dues, fees, and other charges among members \* \* \* and other persons using any facility or system which the association operates or controls"<sup>14</sup> and that the rules "not impose any burden on competition not necessary or appropriate in the furtherance of the purposes of [the Act]."<sup>15</sup>

<sup>11</sup> Any changes or modifications of Workstation Service fees would, of course, have to be submitted to the Commission for review pursuant to section 19(b) of the Act.

<sup>12</sup> Section 11A(a)(1)(B) of the Act.

<sup>13</sup> Section 11A(a)(1)(C) of the Act.

<sup>14</sup> Section 15A(b)(5) of the Act.

<sup>15</sup> Section 15A(b)(9) of the Act.

<sup>6</sup> The market minder feature will permit subscribers to track quote updates and last-sale information in up to thirty NASDAQ securities of their choice. Updated information will flash briefly on the Workstation terminal screen. The limit watch feature allows subscribers to set upper and lower limits on any of the securities in the market minding display. The screen display of the symbol of the security for which a limit watch is set will change color whenever a trade or quote change occurs that equals or exceeds the set limit.

<sup>7</sup> The term "dynamic updates" refers to the process by which updated information (e.g., a quote update) appears on the terminal screen automatically, without any intervention by the operator of the terminal.

<sup>8</sup> The inside quotation is the best highest bid and best (lowest) ask prices available from among all of the market makers for any given security.

<sup>9</sup> See Securities Exchange Act Release Nos. 24675 (July 2, 1987), 52 FR 26109 (July 10, 1987) (proposed introduction of pilot program); and 24749 (July 27, 1987), 52 FR 29105 (August 5, 1987) (approval of pilot program).

<sup>10</sup> As originally proposed, in the pilot phase, the Service only was available to NASDAQ Level 3 subscribers.

The Commission believes that the proposed fees for the Workstation Service are consistent with the requirements of section 15A. In this connection, the Commission is concerned that Instinet has fundamentally misconstrued the statutory standards and the Commission's decision in a prior proceeding,<sup>16</sup> finding that the NASD had limited or denied access by Instinet to NASDAQ quotation information by charging Instinet fees that were not cost based.<sup>17</sup> The underlying basis for the Commission's concern in that proceeding was that the NASD wished to impose on Instinet's users for its NQDS raw data feed the identical charges it imposed on NASDAQ Level 2 and 3 users for its inquiry service. Because the NQDS service did not use the inquiry function of the NASDAQ system, the Commission found that the NASD's NQDS fee was not cost-based and violated the statutory standards of fair, reasonable and non-discriminatory fees. As interim relief, the Commission limited NASD charges for the NQDS service to \$8.75, the cost of NASDAQ Level 1 service, which also involved the direct pass through of data to vendors.

Nowhere in the Commission's opinion did it indicate that it would impose the same rigorous cost-based analysis to distinguish among each and every service provided NASDAQ users. So long as the charge to Instinet remains consistent with other "pass through" services such as Level 1, the Commission does not believe it is necessary or appropriate to conduct a rigorous cost analysis of the proposed fee.<sup>18</sup> Accordingly, the Commission believes that it is sufficient that the proposed fee bears a reasonable relationship to the existing fee structure for Level 2 and 3 terminals with a good faith estimate of the additional costs attributable to the development and operation of the Workstation.<sup>19</sup>

<sup>16</sup> The Commission instituted a proceeding pursuant to section 11A(b)(5) of the Act, following the submission by Instinet of a petition alleging that the NASD, both as a securities information processor and as an exclusive processor, had proposed fees for its NQDS service that would inappropriately limit or deny Instinet's access to NQDS information. See, Securities Exchange Act Release No. 20088 (August 16, 1983), 48 FR 38124 (August 22, 1983).

<sup>17</sup> See, Securities Exchange Act Release No. 20874 (April 17, 1984), 49 FR 17640 (April 24, 1984).

<sup>18</sup> Indeed, because the Workstation eliminates the need to query the central NASDAQ system, the fee for the Workstation appears, if anything, to be set conservatively high.

<sup>19</sup> In this regard, the Commission notes that Act's requirement that fees be reasonable, equitably allocated and that they not impose an undue burden on competition requires the Commission to maintain a delicate balance. On the one hand, as noted

Moreover, the proposed Workstation fees meet even the more rigorous cost-based analysis urged by Instinet. In its letter responding to Instinet's comments, the NASD has shown that proposed \$300 service fee represents a good faith attempt to recover at least the reasonable cost of providing the Workstation Service, including recovery over a reasonable period of time of development costs for the Service.

The cost component for processing quotations for broadcast to Workstation terminals is based upon certain assumptions regarding existing Level 2/3 costs and their relationship to what the costs for Workstation Service will be. Recognizing that some of the costs for the Workstation Service only can be estimated at the phase-in stage, and that the NASD has represented that it will undertake to reevaluate the fee structure when the Workstation Service has replaced Level 2/3 service, the Commission believes that the NASD's methodology is reasonable and represents a good faith effort to set a fee that is at least cost-based.

It appears that Instinet's concern that the \$300 service fee might constitute "below-cost" pricing is due to a misunderstanding arising from the description in the NASD's rule filing of the service fee as being "revenue neutral." In its November 6 response the NASD has clarified the bases upon which the service fee was calculated and has confirmed that the fee includes

above, the Commission has insisted that the NASD carefully justify the fees it charges a competitor, such as Instinet, when that competitor seeks access to the information which is uniquely within the control of the NASD, i.e., trade and quote information. See, n. 17, supra. The Commission's approach has been upheld by the courts. See, *NASD v. SEC*, 801 F.2d 1415 (D.C. Cir. 1986). On the other hand, the Commission is reluctant to conclude that Congress, in requiring that the fees charged by a self-regulatory organization ("SRO") to its own members be reasonable and equitably allocated among those members, and not impose an undue burden on competition, envisioned that the Commission regularly would serve, in the fashion of a public utility commission, as an arbiter in ratemaking proceedings. Rather, the Commission believes that some deference is due the fact that the NASD is a membership organization and that the fees it charges its members for services provided these members reflect the give and take of the self-regulatory process, particularly in circumstances such as here where the SRO is seeking to integrate a new service within its existing rate structure. While such fees may have an effect on potential NASD competitors, where, as here, the NASD is seeking to provide its members with an important advance in data processing capabilities (at the very time when rising trading volume has highlighted the need for enhanced operational capacity within the securities industry) we would be reluctant to disturb the fees associated with such a service unless a substantial basis could be presented for believing that the fees are unreasonable, inequitably allocated or an undue burden on competition. Cf., Securities Exchange Act Release No. 21742 (February 12, 1985), 50 FR 7435 (February 22, 1985).

a component for recovery of development costs. Under these circumstances, there does not appear to be any basis for believing that the \$300 service fee is priced below cost.

Accordingly, the Commission finds that the NASD's proposed rule change does not foster any burden on competition not necessary or appropriate in furtherance of the purposes of the Act and that approval of the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the NASD, and, in particular, the requirements of Sections 11A and 15A, and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

By the Commission.  
Jonathan G. Katz,  
Secretary.

Dated: November 25, 1987.

[FR Doc. 87-27640 Filed 12-1-87; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-17805]

#### Application and Opportunity for Hearing; Ohio Edison Co.

November 27, 1987.

Notice is hereby given that Ohio Edison Company (the "Company") has filed an application pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of Irving Trust Company (the "Bank") under an indenture which provides for the issuance of collateralized lease bonds ("Bonds") in Series ("Series") between the Company and Bank, which was heretofore qualified under the Act and dated as of September 1, 1987 (the "September Bond Indenture"), five lease indentures (the "Lease Indentures") which provide for the issuance of collateralized lessor notes ("Notes") between the Company and Bank, which were not qualified under the Act and each dated as of March 16, 1987 (the "March Indentures"), eight lease indentures which provide for the issuance of Notes between the Company and Bank, which were not qualified under the Act and each dated as of September 15, 1987 (the "September Notes Indentures"), and the proposed trusteeship of the Bank under an indenture of the Company for the issuance of Bonds which will be

submitted for qualification under the Act, is not so likely to involve a material conflict of interest under the Act as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under any of the indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of that section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture of the same obligor.

The Company alleges:

(1) It has entered into two separate and distinct sale and leaseback transactions, one involving a portion of its ownership interest (the "Undivided Interest") in Unit 1 at the Perry Nuclear Power Plant located in North Perry Village, Ohio ("Perry") and the other involving a portion of its ownership interest in Unit 2 at the Beaver Valley Nuclear Generating Station located in Shippingport, Pennsylvania ("Beaver Valley").

(2) In connection with the Perry sale and leaseback transaction, the Bank is trustee under the March Indentures which have not been qualified under the Act, and the September Bond Indenture. The Bonds were registered under the Securities Act of 1933 (the "1933 Act"), and the September Bond Indenture was qualified under the Act.

(3) In connection with the Beaver Valley sale and leaseback, the Bank is trustee under the September Notes Indentures which have not been qualified under the Act, and the Bank is proposed to be the Trustee under a Bond indenture to be submitted for qualification under the Act.

(4) Security under each Lease Indenture includes the Undivided Interest, and the underlying Facility Lease, including the right to receive rental payments thereunder.

(5) Security under each Bond Indenture consists of Notes issued under the specific Lease Indenture for each Series of Bonds.

(6) As between the indentures related to the Perry transaction and the indentures related to the Beaver Valley transaction, the collateral that ultimately secures the debt obligations arising under those indentures in entirely separate and distinct, and action against such collateral in one

transaction would not affect the rights of the debt holders which are secured in the other transaction. The Company further asserts that as between the indentures related to each transaction, the trustee acts in the interests of only one set of debt holders which at any one time would be the same.

(7) The indentures are not likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under any of these indentures.

The Company has waived notice of hearing, hearing and all rights to specify procedures under the Rules of Practice of the Commission with respect to its application.

For a more detailed statement of the matters of fact and law asserted, as well as additional arguments, all persons are referred to the application which is on file in the Offices of the Commission's Public Reference Section, File Number 22-17805, 450 Fifth Street, NW., Washington, DC 20549.

Notice is Further Given that any interested person may, not later than December 14, 1987, request in writing that a hearing be held on such matter stating that nature of his interest, the reasons for such request and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified in the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and for the protection of investors, unless a hearing is ordered by the Commission. For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 87-27700 Filed 12-1-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-24507]

### Filings Under the Public Utility Holding Company Act of 1935 ("Act")

November 25, 1987.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the

application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by December 21, 1987 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the addresses specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

### The Columbia Gas System, Inc. (70-7475)

The Columbia Gas System, Inc. ("Columbia") a registered holding company, 20 Montchanin Road, Wilmington, Delaware 19807, has filed a declaration pursuant to sections 6(a) and 7 of the Act and Rule 50(a)(5) thereunder.

In order to reduce the Columbia system's exposure to volatile short-term interest rates, Columbia proposes to enter into one or more interest payment exchange contracts ("Swap Agreements") from time to time through December 31, 1989 with one or more financial institutions ("Counterparty(ies)"), pursuant to an exception under Rule 50(a)(5) from the competitive bidding requirements of Rule 50. The aggregate principal amount covered under such agreements will not exceed \$300 million.

Under the Swap Agreements, Columbia would make payments to a Counterparty payable periodically in arrears, calculated by reference to an established fixed rate of interest and to a specific fixed principal amount. The fixed interest payments would be no more than 2% per annum in excess of the then current interest rate on direct obligations of the United States Government with comparable maturities. In return, the Counterparty would make payments to Columbia based upon the same principal amount

and an agreed-upon floating interest rate index, e.g., the London Interbank Offered Rate.

In order to obtain flexibility in the event that market conditions with respect to interest rates change after Columbia has entered into a Swap Agreement(s), Columbia also requests authorization to enter into Reverse Swap Agreements or other contractual arrangements in order to reverse the effect of the Swap Agreement(s).

#### The Southern Company (70-7477)

The Southern Company ("Southern"), a registered holding company, and its subsidiary, SV Ventures, Inc. ("SV"), both located at 64 Perimeter Center East, Atlanta, Georgia 30346, have filed an application-declaration pursuant to sections 6(a), 7, 9(a) and 10 of the Act and Rule 51 thereunder.

Southern requests authorization to acquire all of the outstanding common stock of Savannah Electric and Power Company ("SEPCO"), a publicly owned electric utility. SEPCO was incorporated under the laws of Georgia on August 5, 1921. It is engaged in the generation, transmission, distribution and sale of electricity at retail in five counties of southeast Georgia. SEPCO serves an area which has a population of approximately 250,000 persons.

SV was incorporated under the laws of Georgia on November 2, 1987 for the sole purpose of merging with and into SEPCO and effecting Southern's acquisition of all of the issued and outstanding common stock, par value \$5 per share, of SEPCO ("SEPCO Common Stock"), except for shares of SEPCO Common Stock as to which dissenters' rights have been properly exercised under Georgia law ("Excluded Shares").

Southern, SV and SEPCO have entered into an Agreement and Plan of Merger dated as of November 2, 1987 ("Merger Agreement"). In accordance with the Merger Agreement, at the Effective Time (as defined below), SV will be merged with and into SEPCO, the holders of SEPCO Common Stock (other than Excluded Shares) will become holders of common stock, par value \$5 per share, of Southern ("Southern Common Stock"), and Southern will become the sole holder of common stock of the surviving corporation. The "Effective Time" will be the time when the Articles of Merger and other documents required under Georgia law shall have been duly filed with the office of the Secretary of State of the State of Georgia, or at such later time as may be specified in the Articles of Merger. After the Effective Time, SEPCO will continue to operate as an electric utility company within the

meaning of section 2(a)(3) of the Act and will be a separate subsidiary of Southern.

At the Effective Time, each issued and outstanding share of SEPCO Common Stock (other than Excluded Shares) will be converted into and exchangeable for 1.05 shares of Southern Common Stock and the issued and outstanding shares of SV will be converted into that number of shares of SEPCO Common Stock which is outstanding immediately prior to the Effective Time. It is contemplated that all other outstanding securities of SEPCO shall remain outstanding as securities of the surviving corporation after the Effective Time.

The Merger Agreement will be submitted to a vote of holders of SEPCO Common Stock, voting as a class, and to a vote of holders of SEPCO Common Stock, SEPCO preferred stock and SEPCO preference stock, voting as a single class, at a special meeting of SEPCO shareholders after a solicitation of proxies made pursuant to Regulation 14A promulgated under the Securities Exchange Act of 1934, as amended. Prior to such vote, holders of SEPCO Common Stock will also be asked to vote on proposals to (i) grant specific voting rights to holders of SEPCO preferred stock and holders of SEPCO preference stock with respect to voting on the Merger Agreement and (ii) amend the charter of SEPCO prior to the Effective Time to confer general voting rights on holders of SEPCO preferred stock and SEPCO preference stock. Each proposal, if approved, would grant the holder of SEPCO preferred stock one vote per share and the holders of SEPCO preference stock will be granted one-half vote per share.

The Boards of Directors of Southern and SEPCO approved the Merger Agreement and the transactions contemplated thereby on November 2, 1987. Prior to such approval, Morgan Stanley & Co. Incorporated and Dean Witter Reynolds Inc. advised the Board of Directors of SEPCO and Southern, respectively, that the exchange ratio provided for in the Merger Agreement was fair, from a financial point of view, to the holders of Southern Common Stock and SEPCO Common Stock, respectively.

The Boards of Directors and managements of Southern and SEPCO believe that the added capabilities afforded by the proposed transactions are necessary to achieve additional benefits and economies which their existing relationship cannot provide. It is stated that these capabilities will be derived from, among other things, improved long-term planning, more

efficient use of baseload capacity from the Southern system by SEPCO, the avoidance or deferral of substantial construction expenditures by SEPCO, the use by SEPCO of certain management services and technical expertise of Southern which would otherwise have to be obtained from third parties and the increase coordination and utilization of their facilities.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,  
Secretary.

[FR Doc. 87-27641 Filed 12-1-87; 8:45am]

BILLING CODE 8010-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE-87-32]

#### Petition for Exemption; Summary of Petitions Received, Dispositions of Petitions Issued

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petitions for exemption received and of dispositions of prior petitions.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Ch. I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATE:** Comments on petitions received must identify the petition docket number involved and must be received on or before December 22, 1987.

**ADDRESS:** Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. \_\_\_\_\_, 800 Independence Avenue, SW., Washington, DC 20591.

**FOR FURTHER INFORMATION CONTACT:** The petition, any comments received, and a copy of any final disposition are

filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW.,

Washington, DC 20591; telephone (202) 267-3132.

This notice is published pursuant to paragraphs (c), (e) and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on November 23, 1987.

**Denise D. Hall,**

*Acting Manager, Program Manager Staff.*

#### PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
25414	Flight Training Devices.....	14 CFR 61.63(d)(2) and (3) and 61.157(d)(1).	To extend Exemption No. 3022, as amended, which allows students of petitioner to complete a portion of the practical test for the issuance of an airline transport pilot certificate or of a type rating to be added to any grade of pilot certificate, by substituting the flight test requirements of § 61.157 for those of § 61.63(d)(2) and (3).
25181	Arrow Air, Inc.....	14CFR 43.3 and 43.7.....	To allow petitioner to use aircraft parts purchased from Iberia Airlines and KLM Royal Dutch Airlines which have not been maintained or approved for return to service by persons prescribed by §§ 43.3 and 43.7. Denied, November 13, 1987.

[FR Doc. 87-27679 Filed 12-1-87; 8:45 am]

BILLING CODE 4910-13-M

# Sunshine Act Meetings

Federal Register

Vol. 52, No. 231

Wednesday, December 2, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## NUCLEAR REGULATORY COMMISSION

**DATE:** Weeks of November 30, December 7, 14, and 21, 1987.

**PLACE:** Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

**STATUS:** Open and Closed.

### MATTERS TO BE CONSIDERED:

#### Week of November 30

*Monday, November 30*

2:00 p.m.

Briefing by Combustion Engineering on New Standardized Plants (Public Meeting)

*Tuesday, December 1*

10:00 a.m.

Briefing on Status of Implementation of Fitness of Duty Program (Public Meeting)

2:00 p.m.

Briefing on New Westinghouse Standardized Plants (Public Meeting)

*Wednesday, December 2*

3:30 p.m.

Affirmation/Discussion and Vote (Public Meeting)

- a. Final Rule Regarding Completeness and Accuracy of Licensee Communication with the NRC (Tentative)
- b. Implementation of the Freedom of Information Reform Act of 1986; Final Rule Amending 10 CFR Part 9, Subpart A, and Minor Conforming Amendments to 10 CFR Part 2 and Part 9, Subparts B, C, and D (Tentative)
- c. Procedures to Follow Licensing Board Decision on Disposal of Accident-Generated Water at TMI-2 (Tentative)

#### Week of December 7—Tentative

*Thursday, December 10*

3:30 p.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

#### Week of December 14—Tentative

*Thursday, December 17*

9:30 a.m.

Periodic Briefing on Status of Operating Reactors and Fuel Facilities (Public Meeting)

2:00 p.m.

Discussion/Possible Vote on Full Power Operating License for South Texas (Public Meeting) (Tentative)

3:30 p.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

#### Week of December 21—Tentative

*Tuesday, December 22*

10:00 a.m.

Briefing by Executive Branch (Closed—Ex. 1)

*Wednesday, December 23*

11:30 a.m.

Affirmation/Decision and Vote (Public Meeting) (if needed)

**ADDITIONAL INFORMATION:** Affirmation of "Supplemental Order Expediting Appeal (In the Matter of Pacific Gas & Electric Company)" (Public Meeting) was held on November 25.

**Note:**—Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

**TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING):** (202) 634-1498.

**CONTACT PERSON FOR MORE INFORMATION:** Andrew Bates (202) 634-1410.

**Andrew L. Bates,**  
*Office of the Secretary.*

November 30, 1987.

[FR Doc. 87-27801 Filed 11-30-87; 3:55 p.m.]

**BILLING CODE 7590-01-M**

# Corrections

Federal Register

Vol. 52, No. 231

Wednesday, December 2, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### Alaska OCS Region; Availability of Outer Continental Shelf Official Protraction Diagrams

##### *Correction*

In notice document 87-26191 appearing on page 43684 in the issue of

Friday, November 13, 1987, make the following correction:

In the table, in the eighth entry (NN 3-4), the Revision/approval date should read "June 4, 1981".

BILLING CODE 1505-01-D

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 48

[LR-115-86]

#### Tax on Sale or Removal of Gasoline

##### *Correction*

In proposed rule document 87-26537 beginning on page 44141 in the issue of Wednesday, November 18, 1987, make the following corrections:

#### § 48.4101-1 [Corrected]

1. On page 44147, in the first column, in § 48.4101-1(b)(1)(iv), in the fourth line, "of gasohol" should read "or gasohol".

#### § 48.6421-4 [Corrected]

2. On page 44149, in the third column, in § 48.6421-4(a), in the 11th line from the bottom of the page, "gasoline or hand" should read "gasoline on hand".

3. On page 44150, in the first column, in § 48.6421-4(b)(2), in the fifth line, "filed under" should read "filed either under".

BILLING CODE 1505-01-D

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# Great Report

Wednesday  
December 2, 1987

## Part II

## Department of Labor

### Employment and Training Administration

#### Apprenticeship 2000 Issue Paper and Initiative; Notice and Request for Comments

**DEPARTMENT OF LABOR****Employment and Training Administration****Apprenticeship 2000 Issue Paper and Initiative**

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice; request for comments.

**SUMMARY:** The Department of Labor's Employment and Training Administration is formally launching its initiative entitled "Apprenticeship 2000". The basic premise is that the concept of apprenticeship merits serious consideration for an expanded comprehensive system of industry based training applicable across of industries. Public comment is invited on the attached paper outlining the initiative and related issues and on the information contained in this notice.

**DATE:** Comments must be received by January 19, 1988.

**ADDRESSES:** Comments may be mailed to James D. Van Erden, Acting Director, Bureau of Apprenticeship and Training, Employment and Training Administration, 200 Constitution Avenue NW., Room N-4649, Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:** James D. Van Erden, Acting Director, Bureau of Apprenticeship and Training, Office of Job Training Programs, Employment and Training Administration. Telephone: (202) 535-0540 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:****Introduction**

The National Apprenticeship System is a coalition of management, labor and government that supports the apprenticeship program in the United States. Apprenticeship programs are operated by employers, employer associations, or jointly by management and labor on a voluntary basis. Under the National Apprenticeship Act of 1937, the Department of Labor's Bureau of Apprenticeship and Training (BAT) is the Federal Government agency responsible for providing service to existing apprenticeship programs and technical assistance to organizations interested in establishing an apprenticeship program. The Secretary of Labor (Secretary) recognizes State Apprenticeship Councils (SAC) and gives them the authority to determine if programs are eligible for Federal purposes. The BAT works cooperatively with SACs in the formulation and promotion of standards of apprenticeship and with the Nation's

educational systems who assist in delivering related instruction. Government support of apprenticeship consists primarily of promotion, technical assistance, registration and certification of apprentices and programs. Currently, there are about 280,000 apprentices training in some 44,000 programs registered through the BAT or with SACs.

**Apprenticeship 2000**

This year marks the 50th anniversary of the current apprenticeship system. It has proved effective where adopted; that is, largely in the comparatively few, but highly-skilled, building and manufacturing occupations. The present system provides a well-established base for serious consideration of using the concept of apprenticeship as a vehicle for an expanded comprehensive system of industry based training applicable to a broad spectrum of industries. The possibility of the apprenticeship concept serving a broader role is suggested by the experience in other countries and the projected trends in the economy.

Recent studies conducted by the Department of labor (Department) of the work force in the year 2000 indicate emerging labor market trends which will have major impact on the American work force. Forecasted changes in the U.S. economy point to the need for raising skill levels of American workers. The nature of the changes facing the labor force suggests the need for structured and comprehensive training programs that both meet industry's skill needs and also recognizes the worker's investment in acquired skills.

Accordingly, the Department is launching this initiative to explore the feasibility of broadening the apprenticeship concept to other industries and occupations. In doing so, the Department wishes to emphasize that the current successful apprenticeship programs would form the foundation upon which an expanded system would be based.

The first step in this effort is to gather comments on the principles and issues surrounding Apprenticeship 2000 as outlined on the paper which follows this notice. Once the responses have been summarized and analyzed, the Department plans a series of no less than three public meetings to be held early in the new calendar year. At these meetings, the Department will share the results of this notice and solicit further input. The Department also plans to conduct short and longer term research projects to help address key questions relating to the broadening of the apprenticeship concept. Finally, the Department is considering additional

meetings for labor and industry representatives at which the preliminary results of this initiative would be announced and further input solicited.

The target date for completing this effort is mid-summer of 1988. The Department stresses that it has no defined outcomes. Possible alternatives range from recommendations for immediate administrative action, to legislative or regulatory changes, to strategies for further research and evaluation. The outcomes will depend on the extent of interest and substance of responses received as a result of this initiative.

**Aspects on Which Comment is Being Sought**

The Department is seeking public comment on the issue paper, *Apprenticeship 2000*, set forth after this notice and on the approach, time frame and scope of this initiative. Public comment is sought particularly on the following aspects of this initiative.

1. *Apprenticeship 2000* issue paper. This paper provides the basic framework for the review of the apprenticeship concept and its broader applicability. Five key issues are identified and discussed in the paper. They are:
  - a. Should/can the apprenticeship concept be broadened to all industries?
  - b. What should be the limitations or parameters, in terms of occupations, of an expanded apprenticeship effort?
  - c. What should be the delivery system for an expanded apprenticeship system?
  - d. What should be the role of government in an expanded apprenticeship system?
  - e. How can apprenticeship be more effectively linked to the education system?

Public comment is sought in response to each of these five issues as well as the identification of any other broad issues that need to be considered in expanding the apprenticeship concept.

2. *Approach.* The Department has launched the apprenticeship concept review with this notice and request for comment. As indicated, plans are to hold a series of public hearings and possibly further meetings with interested parties. Advance notice of the meetings will be published in the **Federal Register**. Summaries of comments received in writing, and from the public hearings, will also be published in the **Federal Register**. BAT staff will also be meeting individually with interested parties. The target date for completion of this review is mid-summer 1988.

3. *Research.* The Department plans to undertake short (6 months or less) and longer term (1 to 2 years) research projects designed to facilitate the evaluation of broadening the applicability of the apprenticeship concept to other industries and occupations. Public comments are requested on appropriate topics and avenues for research. Comment is also sought on specific issues and questions which can be answered through research.

Commenters are requested to follow the basic topical format outlined above in submitting written comments. In doing so, comments should be categorized and identified as one of the five issues, other issues, approach, research and general.

Signed at Washington, DC, this 24th day of November, 1987.

Roger D. Semerad,

Assistant Secretary of Labor for Employment and Training.

## Apprenticeship 2000

### Introduction

Over the next decade, new challenges facing the U.S. economy will demand quantum increases in the quality and quantity of skill training provided the American labor force. Much of the responsibility for accomplishing this upgrading will necessarily rest with business and labor through industry based training systems. These challenges, which can be summarized under the general rubric of competitiveness, range from an accelerating pace of technological change to major shifts in the demographics of the labor force and growing competition in international trade.

The nature of the changes facing the labor force suggests the need for a more systematic and comprehensive approach to industry training that meets industry's skill needs and also recognizes the worker's investment in acquired skills. The basic premise of this paper is that the *concept of apprenticeship—in its generic form and revitalized to meet modern needs*—merits serious consideration as a vehicle for a new comprehensive system of industry based training applicable across all industries. It needs to be emphasized that the apprenticeship *concept* would be the vehicle for change rather than the apprenticeship system as it now exists. The current system services well those industries where it has been adopted; however, the concept may need to vary for other industries.

This year marks the 50th anniversary of the current apprenticeship system

established under the Fitzgerald Act of 1937. Since its enactment some 3.5 million apprentices have been trained in highly skilled trades and crafts. Annually, about 300,000 apprentices received training in over 40,000 registered programs. The system is an essential part of several industries, particularly construction, where graduates often go on to management positions. Further details of the current system may be found in the appendix.

While the apprenticeship system has proved effective where adopted, it has been concentrated largely in a relatively few traditional occupations. The possibility of the apprenticeship concept serving a broader role is suggested by the experience in other countries and the projected trends in the economy which suggest a return to the environment in which apprenticeship flourished. While the industrial age emphasized mass production and interchangeable workers with minimal skills, the future economy will emphasize information, communications and will place a premium on highly-skilled workers who can work independently. The latter has long been the strong point of the apprenticeship concept.

The essential elements of the apprenticeship concept that suggest it as a model for a broad-based industry training system include:

- A structured process for providing training in a substantive skill or set of skills that are or can be accorded recognition by an industry, other firms or a body beyond the training firm;
- Certification of acquired skills through the award of recognized credentials;
- Training designed and administered by the private sector; and
- Applicable to small as well as large firms.

In this paper, we will: (a) summarize the economic and labor force changes facing the country over the remainder of this century and their implications for industry based training; (b) examine the potential for the concept of apprenticeship to be broadened to serve a wide range of industries and occupations; and, (c) outline some of the issues to be addressed in conducting a review of the role of apprenticeship in the Year 2000.

### Skill Requirements for the Year 2000

A recent study of the work force in the Year 2000 undertaken for the Department of Labor and other studies of future trends indicate that the U.S. economy will undergo fundamental changes over the remainder of this century. Virtually all of these changes

require that the skill level of the labor force be raised. All training institutions will be challenged by the need to improve training but most of the burden for upgrading the current labor force will fall on industry and its training capacity. Similarly, the critical need to increase productivity and make better use of a limited supply of workers will make industry based training a major priority. The major changes pointing to a pivotal role for industry based training are outlined below:

- Rising skill requirements will be characteristic of virtually all occupations. For the first time history, the majority of new jobs will require post-secondary education. Higher skill occupations will require constant renewal to stay current with changing technology; in some fields, the "half-life" of an engineer is now estimated at 5 years as rapid developments make much of the formal training obsolete. Skill requirements for even traditionally lower skill occupations will rise substantially with the introduction of computers and other devices requiring a substantial degree of literacy and cognitive skills.

Because much of the expertise and capacity for providing this type of upgrading exists only at the firm level, business will need to assume a lead role.

- Changing demographics will result in a sharp decline in the rate and shift in the components of labor force growth. The youth labor force will decline both absolutely and relatively; overall labor force growth will be at the lowest rate since the 1930's. These developments will place a premium on training to make more productive use of the available labor supply, particularly the youth component. Currently, a substantial part of the youth labor force spends long unproductive periods in what is sometimes referred to as an "aging vat" as they search for a niche in the labor market. A more efficient process for moving young people directly into the labor force would relieve much of the adverse impact of having fewer youth. Business has already demonstrated an ability to build the necessary bridges from school to work in many areas through innovative programs.

- The service sector will account for all the job growth over the remainder of this century; employment in the goods producing sector will continue to decline. This shift implies a growing need for training in services to improve lagging productivity; it also suggests a need to retrain redundant workers released from the goods producing

sector. Most of the service sector growth will be in small firms, suggesting a need for training systems tailored to small business. Contrary to most perceptions, services include many highly skilled jobs and the projected growth will increase the need for training.

- In the future, worker attachment to a particular firm over a long period is likely to be the exception rather than the rule with a consequent loss to the worker of the recognition of accumulated skills and expertise that comes with a long term association. Ideally, in the more fluid economy of the future, there would be a system allowing workers to preserve what is, in effect their "skill capital" as they move between firms.

The changes outlined above suggest the need for a major upgrading and retraining of current workers over the next decade. Most of the workers who will comprise the labor force of the Year 2000 are already working. If the future labor force is to have the requisite high skill level, much of the current labor force will need to undergo retraining. Many of these same workers will need retraining because of dislocation. The scope of the retraining effort needed and the importance of competitiveness to the nation's well being suggest that the problem would best be addressed by a partnership of business, labor and government.

#### *Expanding the Apprenticeship Concept to New Occupations/Industries*

The concept of apprenticeship would seem uniquely suited to the training needs of the Year 2000 and particularly to the increased role of industry-based training. All the elements essential to an expanded industry effort to address the changes outlined in the previous section are found in the apprenticeship concept. Moreover, there is substantial evidence that a renaissance of the apprenticeship concept is feasible, given adequate support:

- *The apprenticeship concept already is widespread under different names*—viewed in the context of broad principles, a generic form of the apprenticeship concept already exists under a wide variety of terms in professional as well as technical fields. Thus, doctors serving internships are a good example of apprenticeship. Until fairly recent times, lawyers served a form of apprenticeship by "reading" the law under the tutelage of an experienced lawyer. Similar but less formal processes exist for more occupations requiring any degree of skill and proficiency. The distinction between apprenticeship and many of these informal processes is that the

latter lack structure and formal, recognized credentials that makes the skill portable among firms.

- *Foreign experience indicates potential for expansion*—the European experience also provides evidence that the apprenticeship concept can have wide application. For example, in Germany, many middle and top managers in banking, insurance and retailing started as commercial apprentices. Close to half of the apprentices are in service occupations. In Austria and Switzerland, apprenticeship occupies a similar predominant position with virtually all skilled persons in subprofessional occupations completing an apprenticeship. While Japan does not have an apprenticeship system along the lines of Western nations, it has a comprehensive company-based training system under which all levels of working and management undergo extensive training and retraining.

- *There is renewed interest in traditional apprenticeship values*—the failure of apprenticeship to be more widely adopted in the U.S. reflects a number of factors including the emphasis on mass production noted earlier, the lack of a strong tradition as in European apprenticeship and less government and business support than found in other countries. However, the changes outlined above suggest that the future economic environment will be more conducive to values associated with the apprenticeship concept—an emphasis on skills; one-on-one training; formal recognition; and growth in small firms. Apprenticeship is particularly well-suited to training for small firms, where most of the future job growth will take place. Apprenticeship had its genesis in the guild system of the middle ages when artisans and craftsmen dominated the economy. In modern times, it is most prevalent in those industries where small firms predominate.

- *Apprenticeship is a bridge to work*—one of the strongest arguments for reexamining the apprenticeship concept is its potential as a bridge for youth between school and work. Currently, there is a substantial waste in the shrinking pool of young workers for lack of an effective process for assisting non-college bound youth to find permanent careers. The potential for apprenticeship to bridge the gap is well established in Europe. In Germany, for example, 70 percent of school leavers go directly into apprenticeship (20 percent go on to higher education). An equivalent level in the U.S. would mean approximately 7 million apprentices.

#### *Some Approaches to Expanding the Apprenticeship Concept*

There are a variety of ways in which the apprenticeship concept might be expanded. It could, for example, be linked to community college courses to provide experience and proficiency along with an associate degree. Similarly, the apprenticeship concept might be combined with company based training to meet industry standards for recognition and certification. The number of apprenticeable occupations could also be expanded and efforts made to increase the number of apprentices in recognized occupations.

A key to the expansion is the need for building some type of infrastructure to support the apprenticeship system. An approach that might be considered is some type of partnership arrangement. For example, in European countries, there is often a tripartite system of training boards organized on an industry basis.

There have already been some demonstrations conducted on linking apprenticeship to schools with promising results. It is possible, for example, to have youth begin an apprenticeship in the latter part of their secondary education.

Finally, major corporations could play a leading role in promoting the apprenticeship concept not only by incorporating it in their own operations but also by promoting it in their franchises, retailing, and service centers. Thus auto companies could promote a nation-wide apprenticeship system for auto mechanics for dealers and repair centers. Major computer firms might take the lead in developing and structuring skill and career ladders in programming, computer repairs and related fields.

#### *Issues Related to Expanding the Concept of Apprenticeship*

Although the concept of apprenticeship appears ideally suited to the training needs of the future economy, there are a number of issues and problems that will need to be addressed. Some of the major ones are outlined below.

Although the design of a new form of industry training based on the apprenticeship concept must be determined by the industry and interested parties, it may be helpful in discussing the issues to sketch in broad terms what such a system might entail. First, the goal might be national adoption of some form of the apprenticeship concept across all industry, including services, and non-

traditional areas such as banking, communication, retailing, government, etc. Second, new forms of the apprenticeship concept might be considered. For example, there might be a long-term apprenticeship wherein workers could continuously upgrade their skills and be accorded recognition. Finally, a major goal of an expanded apprenticeship effort might be to provide a bridge from school to work for all non-college bound youth.

#### Issue #1: Should/Can the Apprenticeship Concept Be Broadened to All Industries?

While the idea of an expanded industrial training system based on the apprenticeship concept clearly has merit, there are serious questions with respect to the feasibility of this expansion.

It must be recognized that there will be a legitimate concern on the part of apprenticeship supporters that such an effort could erode and dilute the value of the existing system. That concern needs to be addressed, first by laying out clear definitions and safeguards and second, by involving the apprenticeship community in planning the expansion.

The other side of the question is whether sufficient interest can be generated on the part of industry. Apprenticeship has always been available to all industries. A number of efforts, albeit small scale, have been made to expand the existing system with only limited success. Past experience indicates that such an expansion can be achieved only if the top leaders across all industry support it.

Finally, there are a host of logistical and organizational hurdles involved in setting up a broad-based system. For example, there would need to be some fairly sophisticated record-keeping system to document skills and assure portability. There would also be a need for more and better technical assistance in developing trainers and materials.

#### Issue #2: What Should Be the Limitations or Parameters, in Terms of Occupations, of an Expanded Apprenticeship Effort?

One of the basic issues in an expanded apprenticeship effort will be how inclusive the concept should be. On the one hand, it could encompass only technical skills at the subprofessional level; or it might be applicable to all fields and to professional as well as subprofessional levels or some variation in between. Another aspect of this issue will be how to identify and draw the line on what constitutes an occupation of sufficient skill to warrant recognition

as an apprenticeship, e.g., 2000 hours of training. A similar question might involve whether an expanded version of the apprenticeship concept could include supplementary training beyond the basic skill, such as refresher or upgrading training.

These questions are only illustrative of the types of discussions that will be needed to define and outline a new system.

#### Issue #3: What Should Be the Delivery System for an Expanded Apprenticeship System?

The current apprenticeship system has flourished primarily in areas where there has been a strong local infrastructure. Thus much of the strength in construction apprenticeship is attributable to joint apprenticeship committees (JAC) for the major construction trades that are found in most areas. These committees provide the core organization around which small construction firms can pool their resources and share the cost and risks of providing extensive training.

A similar or substitute form of infrastructure would be desirable in an expansion of the apprenticeship concept to a broader range of industries. This is particularly true in the service sector where the average firm size is about 10 employees and training capacity is limited. In those occupations involving large numbers, joint committees might be organized along the lines of the construction industry. For those occupations involving only a relatively few apprentices, it may be preferable to have a single committee that serves a number of occupation. Such a committee might be sponsored by local government or educational institutions. Other variations might include professional associations or larger firms assuming the administrative role filled by joint committees in the construction industry.

#### Issue #4: What Should Be the Roll of Government in an Expanded Apprenticeship System?

The government role in the current apprenticeship system is largely promotional with a limited technical assistance function. While that role may be adequate for those industries and trade with a long association with apprenticeship, it may not be sufficient when the goal is to establish the system in new industries and trades. There could, for example, be a great need for technical assistance to develop and organize curriculum and training specifications for new occupations.

There is also a question of the division of responsibility between the Federal and State governments. Only

twenty-six States have any type of apprenticeship function and the level of the effort and cooperation varies widely among the States. Whether the present bifurcated approach would be up to administering a new system is open to question.

Finally, consideration might be given to administering a new system through some quasi-public body such as tripartite industry training boards as are used in some European countries.

#### Issue #5: How Can Apprenticeship Be More Effectively Linked to the Education System?

One of the great unrealized potentials of apprenticeship in this country is the lack of any substantial link to the education system. The average age of U.S. apprentices is in the midtwenties, compared to many countries where the youth typically move directly from school into apprenticeship at 16 or 17 years of age. A general system linking education and apprenticeship in this country should substantially reduce the unproductive time that many youth spend looking for a place in the labor market. Such a system could substantially alleviate the problem of a shrinking youth labor force.

#### Summary

The above discussion only touches on some of the broad issues that need to be considered in expanding the apprenticeship concept. These issues can only be addressed, and others identified, by industry and the potential users of an expanded system. Only after such deliberations can the merits of mounting a large scale effort to expand the apprenticeship concept be determined.

#### Appendix—The Current Apprenticeship Program

Currently, there are about 280,000 apprentices training in some 44,000 programs registered with the Federal Bureau of Apprenticeship and Training (BAT) and with State Apprenticeship Councils (SACs).

There are 778 occupations recognized by BAT as apprenticeable. An apprenticeable occupation is defined as a skilled trade: (a) Learned through structured on-the-job (OJT) training supplemented by related instruction; (b) requiring at least 2,000 hours of OJT; and (c) recognized throughout an industry. The number of apprenticeable occupations has increased substantially in recent years, up from less than 500 in the 1970's. The increase is due in part to a reduction in the number of training hours required for recognition as an

apprenticeable occupation and the extension of the system into new non-traditional areas. Although the minimum term for recognition as an apprenticeable occupation is only one year, most apprenticeships require 3 to 4 years.

Although there are some 800 recognized occupations, over three-quarters of all apprentices are in just 30 occupations; construction trades alone account for well over half of all apprentices.

Apprenticeship programs are financed and administered by the private sector with the government role primarily that of providing promotional support and technical assistance. There are no Federal funds to directly subsidize the cost of apprenticeship programs.

At the local level, larger programs are often administered by Joint Apprenticeship Committees (JAC) for particular trades and composed of management and labor. The JAC's responsibilities will typically include selecting apprentices, setting standards, arranging related instructions, and providing for financing the program. In some cases, financing is provided by joint training funds built up from a set contribution based on hours worked.

Joint programs have the advantage not only of cost sharing but of moving apprentices between firms to expose them to all facets of a trade.

Government support of apprenticeship is provided by the Federal Government and a limited number of State governments. As noted earlier, the support is largely promotion, technical assistance and registration of apprentices and programs.

Twenty-six States maintain an apprenticeship function of some type, ranging from full service, well-staffed agencies to those that provide little beyond the registration function. The Federal Government, through BAT, provides apprenticeship services in those States without an agency or SAC and supplements State staff in those States with a State agency. There are no statutory linkages between the Federal and State efforts, and SACs operate independently. However, State registered programs must meet Federal standards to be recognized by BAT. While SAC States recognize the standards, they may or may not accept standards of other States or accord credit for training to apprentices trained in other States.

The current apprenticeship system has remained relatively static over the past decade with the number of apprentices ranging from 250,000 to 300,000. However, two developments are of interest in the context of making broader use of the apprenticeship concept. The first is a concerted effort to extend the system to a broader range of occupations. As noted, the number of apprenticeable occupations has almost doubled over the past decade. An example of the more recent recognized occupations is that of fire-fighter which currently has over 5,000 apprentices in training. Other examples include engineering technicians, emergency medical technicians, and numerical-control machine operators.

A second innovation is the school-to-work program wherein students begin an apprenticeship in the last year of high school and acquire credit toward completion of their apprenticeship while still in school.

The apprenticeship system as it now operates is strongly supported by those industries where it is currently used as evidence by resolutions adopted by the 50th Anniversary Conference.

[FR Doc. 87-27475 Filed 12-1-87; 8:45 am]  
BILLING CODE 4510-30-M

# Federal Register

Wednesday  
December 2, 1987

## Part III

## Department of Transportation

### Federal Aviation Transportation

#### 14 CFR Parts 121 and 135

**Special Federal Aviation Regulation No. 52; Extension of Compliance Date for Certain Large Airplanes Operated Under Part 135, in Other Than Commuter Air Traffic Operations, To Comply With Pending Seat Cushion Flammability Regulation; Final Rule; Request for Comments**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Parts 121 and 135

[Docket No. 25477; SFAR No. 52]

**Special Federal Aviation Regulation No. 52; Extension of Compliance Date for Certain Large Airplanes Operated Under Part 135, in Other Than Commuter Air Carrier Operations, To Comply With Pending Seat Cushion Flammability Regulation****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule, request for comments.

**SUMMARY:** This rule extends the compliance date for 90 days, from November 26, 1987, to February 24, 1988, for the requirements in the Federal Aviation Regulations pertaining to the installation of fire-retardant seat cushions in large airplanes operated under Part 135 by on-demand and commercial (unscheduled) operators. This extension has been found to be necessary as a result of several petitions for exemption, and public comment thereon, recently submitted to the FAA. These petitions indicate that some operators failed to take timely action to install the required cushions in certain airplanes by the specified compliance date and that such compliance by these and other operators will be delayed by the unavailability of the necessary seat cushions and the shortage of seat cushion installers available to perform the seat cushion modification. This SFAR extends the compliance date for the affected operators to prevent any possible disruption in passenger service likely to result due to the time the FAA would need to dispose of pending petitions for exemptions prior to the November 26, 1987 compliance date.

**DATE:** Effective date December 2, 1987. Comments must be received on or before January 4, 1988.

**ADDRESS:** Mail or deliver comments on this rule in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 25477, Room 915-G, 800 Independence Avenue SW., Washington, DC 20591. Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

**FOR FURTHER INFORMATION CONTACT:** Mr. Henri P. Branting, Technical Analysis Branch, Aircraft Engineering Division, AWS-100, Office of Airworthiness, Federal Aviation Administration, 800 Independence

Avenue, SW., Washington, DC 20591, telephone (202) 267-9577.

**SUPPLEMENTARY INFORMATION:****Background**

This SFAR was developed in response to several petitions for exemption from requirements in Federal Aviation Regulations (FAR) § 121.312 on behalf of nonscheduled air taxis and commercial operators. Notices soliciting public comments on petitions for exemption were published in the Federal Register. This SFAR is based on both the comments contained in those petitions and the public responses to the notices of the petitions. These comments are reviewed below in the "Discussion of Petitions and Comments." Dockets containing the petitions and public comments are maintained in the FAA Rules Docket, Room 915-G, 800 Independence Avenue, SW., Washington, DC 20591. The petitions and comments may be examined in Room 915-G weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

For the most part, the petitioners are, or represent, nonscheduled operators of small transport category airplanes operating under Part 135. These petitioners seek exemptions, to varying extents, from the requirements in the FAR pertaining to the fire resistance of aircraft seat cushions as applicable to large airplanes operated under Part 135.

Part 135 of the FAR, which prescribes the operating rules governing air taxi and commercial operators, applies to both small airplanes carrying not more than 19 passengers and large airplanes carrying not more than 30 passengers. (Part 1 defines a small aircraft as one having a maximum certificated takeoff weight to 12,500 pounds or less, and a large aircraft as one having a maximum certificated takeoff weight greater than 12,500 pounds.) Special Federal Aviation Regulation 38-2 (50 FR 23944; June 7, 1985), "Certification and Operating Requirements" defines "scheduled operations" and "commuter air carriers." Special Federal Aviation Regulation No. 52 is applicable to all other operators of large aircraft under Part 135.

Part 135 was substantially revised and reissued on September 26, 1978 (43 FR 46742; October 10, 1978), in conjunction with Amendment 121-147 as part of a major program to upgrade the level of safety for operations conducted by commuter air carriers, on-demand air taxi operators, and commercial operators. The revision of Part 135 also recognized the need for greater operational flexibility in the size of aircraft operated under that part. The

revision to Part 135 raised the size limit of aircraft used in common carriage to those having a maximum passenger seating configuration of 30 seats or less and a maximum payload capacity of 7,500 pounds or less. Larger aircraft operated by a Part 135 certificate holder are required to be operated in accordance with Part 121. Because this revision allowed certificate holders to operate larger and more complex aircraft capable of flying higher and faster with increased passenger loads, the revised Part 135 incorporated changes necessary to deal with the operation of these larger, more complex aircraft.

Sections 135.169 and 135.177 were adopted in the revised Part 135 to require that certain airworthiness provisions for large airplanes operated under Part 135 be maintained at a level consistent with those larger airplanes operated under Part 121. These provisions include cargo compartment fire protection, engine fire protection, emergency evacuation equipment, fire resistance of materials used in compartment interiors, and numerous other airworthiness features. Section 135.169, by specific cross-reference to Part 121, requires that large airplanes operated under Part 135 meet the airworthiness requirements of § 121.213 through § 121.283, § 121.307, and § 121.312. Section 121.312 establishes the requirements for compartment interior materials.

Amendment 121-184, issued October 23, 1984 (49 FR 43188, October 26, 1984), revised § 121.312 to raise substantially the level of passenger protection against both in-flight and post-crash fires. That rulemaking was initiated as a result of investigations of aircraft cabin fires, which indicated that additional measures were needed to enhance protection against such fires. Section 121.312, as revised, requires the installation of highly fire-resistant seat cushions, commonly referred to as fire-blocked cushions, in the cabins of all airplanes, operating under Part 121, which were type certificated after January 1, 1958. The amendment requires that the installation be completed on or before November 26, 1987. Through the use of fire-blocked cushions, that amendment greatly reduces one of the major potential sources of flammable material in a cabin fire, the foam used in the construction of seat cushions.

To facilitate the implementation of the new requirement, the FAA issued a general notice (GENOT) in May 1985 to all air carrier inspectors, outlining administrative procedures pertaining to

findings of compliance. It was pointed out in the GENOT that the applicability of the requirement includes those Part 135 airplanes subject to § 121.312 by reference in § 135.169. This information was available to operators during the early stages of the compliance period. In addition, following a period of notice and public comment, Advisory Circular 25.853-1, Flammability Requirements for Aircraft Seat Cushions, was published September 17, 1986, providing additional information regarding the test procedures specified in the regulation and explaining that the requirement is applicable to airplanes under § 135.169. The pending completion of the fleet upgrading with new fire-blocking cushions exemplifies the firm commitment by industry to a major safety challenge. Within a period of 3 years, the air carrier industry has successfully adapted substantially new technology, materials, and testing methodology to the retrofit of a half-million seats currently in airline service. The SFAR will not effect aircraft operated under Part 121. This is a major tangible improvement in aviation safety.

#### Discussion

This SFAR extends the compliance date for only a small fraction of seats now in service. The airplanes covered by this SFAR typically seat less than 20 passengers. The FAA estimates that approximately two-thirds of the Part 135 fleet is in full compliance. With ongoing compliance in progress, firm figures regarding the precise number of seats not in compliance are not available. However, the FAA believes that those seats affected by this SFAR would be well less than 4 percent of the total in service.

The FAA has received numerous petitions requesting that the November 26, 1987, compliance date for § 121.312 be extended by varying amounts up to several years, and that Docket No. 23791 pertaining to Amendment 121-184 be reopened for comments from the affected Part 135 operators and the general public. A meeting between the FAA and representatives of one of the petitioners (National Air Transportation Association) was held on October 29, 1987, during which they reemphasized the data submitted with their petition (see Docket No. 25260).

The principal contention offered in support of the petitions is that, for various reasons, many on-demand air carriers operating under Part 135 generally did not become aware until recently that the new seat cushion requirements are applicable to large airplanes operated under Part 135. They say that Amendment 121-184 does not

specifically mention applicability of the rule to large airplanes operated under Part 135. They also contend that the preamble of Notice of Proposed Rulemaking 83-14 (48 FR 46250; October 1, 1983), on which Amendment 121-184 is based, was not sufficiently clear in regard to applicability of the proposed requirements and did not specifically invite Part 135 operators of large airplanes to comment on the proposed rule. As a result, they say that Part 135 operators of large airplanes were not effectively put on notice that they were expected to comply with Amendment 121-184. Several commenters responding to the public notices of the petitions expressed agreement and support of these contentions.

While the preambles of Notice 83-14 and Amendment 121-184 did not call attention specifically to the Part 135 applicability, the wording of both the proposed and final rules is clear. There was no indication in the notice or amendment of any intent to change the standing applicability of airworthiness requirements in Part 121 to large airplanes operated under Part 135, as delineated in §§ 135.169 and 135.177. Parties concerned with the operation of large airplanes under Part 135 did respond to Notice 83-14 and provide comments. While a number of comments concerned the applicability of the proposed seat cushion requirements to smaller transport airplanes, such as those seating less than 44 passengers, no commenter questioned the applicability of the requirements to a certain type of operation. This is discussed in the preamble of Amendment 121-184. The 4-month comment period of Notice 83-14, therefore, provided ample opportunity for anyone to request clarification of any aspect of the proposed rule not clearly understood.

A compliance survey recently taken by the FAA of Part 135 scheduled operators indicates that most operators apparently have understood the applicability of the requirements for some time and they either have placed their airplanes in compliance or plan to meet the November 26, 1987, compliance date. In fact, the FAA is informed that at this time, the majority of airplanes operated by members of the Regional Airline Association in Part 135 commuter operations are already in compliance with the new seat cushion flammability requirements. Some operators have no plans for meeting the compliance date and indicate that certain airplanes might be removed from Part 135 service if they are not properly modified by the compliance date.

Several petitioners and commenters contend that characteristics of smaller transport airplanes reduce the need for fire-retardant cushions. They point out that small transports have a ratio of passengers to exits considerably less than larger transports and can be evacuated more quickly. Also, the smaller cabins are less critical from the standpoint of fire protection. These basic issues were taken into consideration in the adoption of Amendment 121-184, with the conclusion that the use of highly fire-resistant cushions is an improvement in cabin fire safety, which is warranted for transport airplanes regardless of size.

Several petitioners and commenters contend that conditions unique to the operation of small transport airplanes raise practical and economic problems, which make timely compliance difficult. They contend that the economic service life of a seat in a small transport typically is longer than that of an airline passenger seat and that the compliance date should be extended to recognize this and alleviate the economic burden. They point out that seats in small transports often are of individualized or custom design and present problems in obtaining specimens for compliance testing. They also point out that the small number of seats involved in compliance testing and modification, as compared with airline operations, does not afford the ready access to testing and modification services and results in delays in compliance.

While the FAA does not agree that Part 135 operators received inadequate notice of the proposed and final application of § 121.312 to their operations, we do recognize a practical compliance problem for on-demand Part 135 operators, which, at this point, can be most effectively addressed through a 90-day extension of the compliance date. Operators unable to achieve compliance within the 90-day extension of the compliance date may obtain approval for a compliance plan extending the compliance date beyond February 24, 1988. In order to obtain written approval of an additional extension of the compliance date, operators must, not later than January 25, 1988, provide the Administrator with an acceptable compliance plan. The compliance plan must be forwarded to the Director of Airworthiness (AWS-1, 800 Independence Avenue, SW., Washington, DC 20591). The plan must establish that compliance cannot be achieved by February 24, 1988, by providing evidence of good faith efforts to secure the necessary seat materials, modification and installation services,

and require tests and certification thereof. The compliance plan must indicate the anticipated compliance date and be supported by correspondence or other evidence to establish that firm arrangements to accomplish compliance exist. If the compliance plan is acceptable, the FAA will notify each operator in writing. At this time, the FAA knows of no circumstances under which it could approve a compliance plan substantially longer than 90 days.

The petitions for exemption, and comments thereon, indicate that the practical compliance problems being encountered by some operators have become more acute than anticipated in the promulgation of the rule. It also appears that the situation of some operators is the result of their own delay in initiating compliance. In either case, there is a clear indication that the necessary equipment modification cannot be accomplished in a timely manner unless additional time is provided to certain operators where warranted.

There are a limited number of facilities in the United States that can perform fire-blocking seat cushion modification and testing for aircraft. Many of these facilities are unavailable to perform seat cushion refurbishment and testing prior to the compliance deadline, even on an overtime basis, due to a large backlog of aircraft currently undergoing or awaiting modification. The airplanes operated under Part 135, which are subject to this SFAR, pose unique problems from the standpoint of seat cushion compliance testing. Due to the wide variety of airplane models and individual seat designs involved, the retrofit of these airplanes is test intensive, requiring a greater number of individual compliance tests for a given seat population. This has made the task of compliance testing more critical for the Part 135 operators, because it acutely taxes the available seat materials testing resources. Because the preponderance of compliance testing and seat modification for the air carrier fleet in general will have been completed by November 26, 1987, access to and availability of these services will be greatly improved for Part 135 operators after that date. Notwithstanding the fact that failure to comply would be the result of unexcusable delay on the part of some operators, the FAA finds that it would not be in the public interest to allow the possible disruption of passenger service for this segment of the industry that could result if these aircraft were grounded. From the outset, the basic objective of the fire-blocking regulatory

program has been, to the extent possible, to achieve a major fleetwide improvement in cabin fire safety through mutual government and industry cooperation. The compliance extension provided by this SFAR is consistent with that objective.

#### **Good Cause Justification for Immediate Adoption**

This SFAR is being adopted without issuance of a notice of proposed rulemaking, because delay could have a significant impact on passenger service without increasing the level of safety. Public comments on the same basic issues raised by this SFAR were obtained in response to the recent notifications in the **Federal Register** of the petitions for exemption. Those petitions for exemption, and the comments thereon, indicated an impending compliance problem of previously unknown magnitude, which could not be addressed practicably or in a timely manner through the exemption process. Issuance of a notice of proposed rulemaking in this case would delay final rule adoption and burden the resources of operators by reducing available lead time for compliance planning. For these reasons, the FAA has concluded that notice and prior public comment are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Whether through their own delay or because of a lack of available technical support, several operators are confronting problems in complying with the seat cushion requirements before the compliance deadline and other operators may likely experience similar problems. Noncompliance would mean that airplanes would be removed from Part 135 service until compliance is accomplished. To avoid widespread disruption of passenger service, the FAA agrees that the compliance date should be extended by 90 days. However, interested persons are invited to submit such comments as they may desire regarding this amendment. Communications should identify the docket number and be submitted in duplicate to the address above. All communications received on or before the close of the comment period will be considered by the Administrator. After review of the comments, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulations. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested parties.

#### **Economic Summary**

The following is a summary of the regulatory evaluation of an SFAR that extends the existing compliance date for 90 days for installation of fire-retardant seat cushions, as required in FAR, § 121.312, in airplanes operated by on-demand and commercial operators under Part 135. The deadline would be extended from November 26, 1987, to February 24, 1988, under this SFAR.

Virtually all seats in commercially-operated aircraft (including aircraft operated under Part 121 and Part 135) will be in compliance with § 121.312 by November 26, 1987. Recent estimates indicate that approximately 500,000 seat cushions have been replaced or refurbished with fire-blocking material. An FAA survey taken in August 1987 indicated that approximately two-thirds of Part 135 aircraft are expected to be in compliance by November 26, 1987. The FAA estimates that the seating capacity of the Part 135 aircraft not in compliance is less than 20,000 seats, or no more than 4 percent of the total number of seats in commercially-operated aircraft. This SFAR is expected to affect less than this.

This rulemaking addresses several petitions for exemption recently submitted to the FAA by Part 135 certificate holders, which indicate that factors unique to certain large aircraft operating as on-demand commuter air carriers under Part 135 may prevent the installation of fire-retardant seat cushions by the specified deadline. These factors include a large backlog of aircraft in seat modification facilities, and high per-seat testing and modification costs due to the small number of seats in the affected Part 135 aircraft. The rule would extend the compliance schedule for 90 days to allow the facilities that can perform fire-blocking seat cushion modifications to eliminate their backlog of aircraft awaiting modification and schedule new orders.

Presently, it is unlikely that many aircraft operators who have not yet installed or equipped their aircraft with fire-blocking seats will be able to do so by the November 26, 1987, compliance deadline. There are a limited number of facilities in the United States that can perform fire-blocked seat cushion modification and testing for aircraft. Many of these facilities are unavailable to perform seat cushion refurbishment or replacement and testing prior to the compliance deadline, even on an overtime basis, due to a backlog of aircraft currently undergoing or awaiting modification. Therefore, at this time, it

will not be possible for many Part 135 operators to have their aircraft equipped with fire-blocking seat cushions by the November 26, 1987, deadline.

The SFAR will not reduce the existing level of safety for the traveling public, but will ensure that on-demand air carriers operating under Part 135 will have the necessary time to install fire-blocking seats, to bring their aircraft into compliance with the enhanced safety levels mandated by § 121.312. This rule will result in unquantifiable benefits for some Part 135 certificate holders by extending the compliance deadline for 90 days, which will allow operators additional time to modify their aircraft, rather than removing them from service. The existing level of safety will not be decreased by this rule, and thus, no additional cost will be imposed on the traveling public or aircraft operators.

#### Regulatory Flexibility Determination

The FAA has determined that, under the criteria of the Regulatory Flexibility Act of 1980, the extension of the compliance date for 90 days will not have a significant economic impact on a substantial number of small entities. The majority of small entities affected by this regulation represent on-demand operators of Part 135 aircraft, which will be allowed additional time to comply with existing requirements. No additional cost is imposed on Part 135 operators who have already installed fire-retardant seats. Small testing and aircraft modification facilities that install fire-blocking seats are also not significantly affected, since the compliance deadline is extended, but not eliminated under the SFAR, and all affected aircraft must still undergo modification by February 24, 1988.

#### Trade Impact Assessment

This rule primarily affects domestic on-demand commuter air carriers operating under the rules of Part 135. The regulation, if adopted, would have little or no impact on trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

#### Conclusion

This amendment extends the compliance date for 90 days from November 26, 1987, to February 24, 1988, for the requirement in the FAR pertaining to the installation of fire-retardant seat cushions in on-demand and commercial operators operating under Part 135. Because this amendment will not result in an annual effect on the economy of \$100 million or more or a major increase in costs for consumers, industry, or Federal, State, or local government agencies, it has been determined that this is not a major

amendment under Executive Order 12291. In addition, the amendment will have little or no impact on trade opportunities for U.S. firms doing business overseas of foreign firms doing business in the United States.

Since the amendment concerns a matter on which there is a substantial public interest, the FAA has determined that this action is significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, as noted above, the FAA certifies that under the criteria of the Regulatory Flexibility Act, this amendment will not have a significant economic impact, positive or negative, on a substantial number of small entities.

A regulatory evaluation of the amendment, including a Regulatory Flexibility determination and Trade Impact Assessment, has been placed in the regulatory docket. A copy may be obtained by contacting the person identified under "FOR FURTHER INFORMATION CONTACT."

#### List of Subjects

##### 14 CFR Part 121

Air Carriers, Aircraft, Airplanes, Air transportation, Aviation safety, Flammable materials, Safety, Transportation.

##### 14 CFR Part 135

Air carriers, Aircraft, Airplanes, Air taxi, Air transportation, Airworthiness, Aviation safety, Safety, Transportation.

#### The Amendment

Accordingly, Parts 121 and 135 of the Federal Aviation Regulations (14 CFR Parts 121 and 135) are amended as follows:

#### PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. The authority citation for Part 121 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1355, 1356, 1357, 1401, 1421–1430, 1472, 1485, and 1502; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983).

2. In Part 121 the table of contents of Special Federal Aviation Regulations is amended by adding an editorial note for SFAR No. 52 to read as follows:

#### Special Federal Aviation Regulations

##### SFAR No. 52 [Note]

3. The section of Special Federal Aviation Regulations is amended, by adding SFAR No. 52 [Note] to read as follows:

#### Special Federal Aviation Regulations

\* \* \* \* \*

##### SFAR No. 52

Editorial Note: For the text of SFAR No. 52, see Part 135 of this chapter.

#### PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

1. The authority citation for Part 135 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1355(a), 1421 through 1431, and 1502; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983).

2. In Part 135 the table of contents of Special Federal Aviation Regulations is amended by adding a reference to SFAR No. 52 to read as follows:

#### Special Federal Aviation Regulations

\* \* \* \* \*

##### SFAR No. 52

3. In Part 135 the section of Special Federal Aviation Regulations is amended, by adding SFAR No. 52 to read as follows:

#### Special Federal Aviation Regulations

\* \* \* \* \*

#### SFAR No. 52—Extension of Compliance Date of Seat Cushion Flammability Regulation for Large Airplanes Operated Under Part 135 in Other Than Commuter Air Carrier Operations

Contrary provisions of §§ 121.312 and 135.169 of this chapter notwithstanding, for airplanes type certificated after January 1, 1958, after February 24, 1988, seat cushions in any compartment occupied by crew or passengers (except those on flight crewmember seats) in large airplanes operated under Part 135 of this chapter, except large airplanes used in commuter air carrier operations, must comply with the requirements pertaining to fire protection of seat cushions in § 25.853(c), effective November 26, 1984, and Appendix F to Part 25 of this chapter, effective November 26, 1984, unless an alternative compliance plan has been approved by the Administrator.

For airplanes type certificated after January 1, 1958, after November 26, 1987, seat cushions in any compartment occupied by crew or passengers (except those on flight crewmember seats) in large airplanes operated under Part 135 of this chapter and used in commuter air carrier operations must comply with the requirements pertaining to fire protection of seat cushions in § 25.853(c), effective November 26, 1984, and Appendix F to Part 25 of this chapter, effective November 26, 1984.

This Special Federal Aviation Regulation terminates on December 1, 1988.

Issued in Washington, DC, on November 25, 1987.

T. Allan McArtor,  
Administrator.

[FR Doc. 87–27626 Filed 11–27–87; 1:58 pm]

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Wednesday  
December 2, 1987

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## Part IV

## Department of Education

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Consolidated Application Package for  
Fiscal Year 1988; Correction Notice

**DEPARTMENT OF EDUCATION****Consolidated Application Package for Fiscal Year 1988****AGENCY:** Department of Education.**ACTION:** Correction notice.

**SUMMARY:** On November 18, 1987 (52 FR 44324) the Department published a Consolidated Application Package (CAP) for 18 Office of Special Education and Rehabilitative Services programs.

The CAP contains application notices, proposed priorities, and necessary forms for applicants.

On page 44343, second column, Part II—Budget Information, one of the forms provided for applicants was printed in reduced size. In order to provide applicants with a full-size form that can be easily copied and contains adequate space for entry of the requested information, the form is being reprinted in the correct size.

(Catalog of Federal Domestic Assistance No. 84.024, Handicapped Children's Early Education Program; 84.1025, Services for Deaf-Blind Children and Youth; 84.026, Educational Media Research Production, Distribution, and Training; 84.086, Program for Severely Handicapped Children)

Date: November 27, 1987.

**Madeleine Will,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

**BILLING CODE 4000-01-M**

**PART II - BUDGET INFORMATION**  
**FY \_\_\_\_\_**

**Section A - Detailed Budget by Categories**

1. Salary and Wages	\$
2. Fringe Benefits	
3. Travel	
4. Equipment	
5. Supplies	
6. Contractual Services	
7. Other (itemize)	
8. Total Direct Costs (lines 1 to 7 totaled)	
9. Total Indirect Costs	
10. Total Project Costs (lines 8 + 9)	

**Section B - Cost Sharing**

1. Project Income	\$
2. Non-Federal Funds (state, local, etc.)	
3. In-Kind Contributions	

**Section C - Estimate of Funding Needs**

1. Second Fiscal Year	\$
2. Third Fiscal Year	
3. Fourth Fiscal Year	

**Section D - Estimated Unobligated Funds**

1. Unobligated Federal Funds from Preceding Fiscal Year	\$
2. Unobligated Non-Federal Funds from Preceding Fiscal Year	
3. Total Unobligated Funds From Preceding Fiscal Year (lines 2 + 3)	

PAGE 11 - BUDGET INFORMATION

Section A - Guaranteed Budget by Category

1. Salary and Wages	
2. Fringe Benefits	
3. Travel	
4. Equipment	
5. Supplies	
6. (Contractor) Services	
7. Other (Itemize)	
8. Total Direct Costs (Lines 1 to 7 combined)	
9. Total Indirect Costs	
10. Total Project Costs (Lines 8 + 9)	

Section B - Cost Sharing

1. Project Income	
2. Non-Federal Funds (Federal, Local, etc.)	
3. In-Kind Contributions	

Section C - Estimate of Funding Needs

1. Second Fiscal Year	
2. Third Fiscal Year	
3. Fourth Fiscal Year	

Section D - Estimated Unobligated Funds

1. Unobligated Federal Funds from Preceding Fiscal Year	
2. Unobligated Non-Federal Funds from Preceding Fiscal Year	
3. Total Unobligated Funds from Preceding Fiscal Year (Lines 1 + 2)	

# 30 CFR Part 784 Federal Register

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Wednesday  
December 2, 1987

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## Part V

### Department of the Interior

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Office of Surface Mining Reclamation and  
Enforcement

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30 CFR Parts 784 and 817

Permanent Regulatory Program  
Performance Standards for Underground  
Coal Mining Activities; Hydrologic-Balance  
Protection Recharge Capacity; Final Rule

## DEPARTMENT OF THE INTERIOR

## Office of Surface Mining Reclamation and Enforcement

## 30 CFR Parts 784 and 817

## Permanent Regulatory Program Performance Standards for Underground Coal Mining Activities; Hydrologic-Balance Protection Recharge Capacity

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSMRE) is amending its regulations with respect to restoration of recharge capacity for underground mines. This final rule will modify paragraph 30 CFR 784.14(g) by removing the requirement for underground mine operators to handle earth materials and runoff in a manner which will restore approximate premining groundwater recharge capacity when reclaiming the mine face-up area at the conclusion of mining. The final rule will also remove a similar requirement from the performance standards at 30 CFR 817.41(b)(2).

**EFFECTIVE DATE:** January 4, 1988.

**FOR FURTHER INFORMATION CONTACT:** Raymond E. Aufmuth, Division of Technical Services, OSMRE, Department of the Interior, 1951 Constitution Avenue, NW, Washington, DC 20240; Telephone: (202) 343-7952.

**SUPPLEMENTARY INFORMATION:**

- I. Background
- II. Rules Adopted and Responses to Public Comments
- III. Procedural Matters

**I. Background**

The Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.*, (the Act) sets forth general regulatory requirements governing surface coal mining operations and the surface impacts of underground coal mining. OSMRE has by regulation implemented or clarified many of the requirements of the Act and set performance standards to be achieved by surface coal mining and underground mining activities. See 30 CFR Parts 816 and 817.

In proposed permanent program regulations at 43 FR 41780 (September 18, 1978), OSMRE explained why it did not believe it appropriate to propose a regulation concerning the restoration of recharge capacity for underground mines and solicited comments on this topic. A single comment was received which supported OSMRE's position. Consequently, no such requirement was

promulgated in the final permanent program regulations. However, a different requirement to replace the water supply of an owner of real property affected as a result of underground mining activities was promulgated at 44 FR 15430 (March 13, 1979).

The Court in *In Re: Permanent Surface Mining Regulation Litigation* No. 79-1144 (D.D.C. May 1980) (*In Re: Permanent (I)*), held that there was no statutory jurisdiction for this water replacement requirement as applied to underground mining operations. This ruling was reaffirmed in the court's subsequent opinion in *In Re: Permanent Surface Mining Regulation Litigation (II)*, No. 79-1144, Slip Op. At 20-23 (D.D.C. July 15, 1985) (*In Re: Permanent (II)*).

On June 25, 1982, OSMRE proposed revised regulations on hydrology at 47 FR 27712. On September 26, 1983 (48 FR 43956) OSMRE published final rules on hydrologic-balance protection, taking into consideration comments received on the proposed rule. The rule at 30 CFR 784.14(g), which was applicable to underground mine operators, required that a permit application include a hydrologic reclamation plan indicating how the relevant requirements of 30 CFR Part 817, including §§ 817.41 to 817.43, would be met. The rule further required the plan, among other provisions, to include the measures to be taken to restore approximate premining recharge capacity.

Similarly, the performance standards for underground mining activities in 30 CFR 817.41(b)(2) provided that groundwater quantity had to be protected by handling earth materials and runoff in a manner that would restore approximate premining recharge capacity of the reclaimed area as a whole, excluding coal mine waste disposal areas and fills, so as to allow the movement of water to the ground-water system.

In *In Re: Permanent (II)*, Slip Op. at 3-4, the requirement to restore approximate premining recharge capacity was challenged on the basis that it was inconsistent with the Act and violated the District Court's May 1980 ruling in *In Re: Permanent (I)* that underground mine operators are not required to replace water supplies.

In response to this challenge, the Secretary in a brief filed December 21, 1984, indicated that he would suspend 30 CFR 817.41(b)(2) pending a new rulemaking that would develop a more complete administrative record concerning the complex legal and policy issues associated with the requirement for underground mines to restore hydrologic recharge capacity. On

February 21, 1985, OSMRE published a notice suspending § 817.41(b)(2) in its entirety. (50 FR 7274).

OSMRE published a proposed rule on December 11, 1986 (51 FR 44742) concerning the restoration of recharge capacity for underground mines. The proposed rule was available for public comment until February 19, 1987. In the notice of proposed rulemaking, two options were proposed: Option 1 consisted of retaining 30 CFR 784.14(g) and 817.41(b)(2) in their entirety as published on September 26, 1983 (48 FR 43956); Option 2 consisted of modifying the permitting requirement at 30 CFR 784.14(g) to remove the phrase "restore approximate premining recharge capacity" and of removing 30 CFR 817.41(b)(2) from the regulations entirely.

In the notice of proposed rulemaking, OSMRE provided an opportunity for the public to request hearings on the issue. No hearings were requested, and none were held. Twelve comment letters were received prior to the end of the comment period—two from State regulatory authorities, two from environmental organizations and eight from the coal mining industry. These comments have been analyzed and the results are summarized in the following section.

**II. Rules Adopted and Responses to Public Comments****1. PART 784: UNDERGROUND MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN.****Section 784.14 Hydrologic Information**

This section contains the permitting requirements for sampling and analysis; baseline information on ground and surface water; baseline cumulative impact area information; modeling; probable hydrologic consequences determination; cumulative hydrologic impact assessment; hydrologic reclamation; and ground and surface water monitoring plans. Specifically, paragraph 784.14(g) requires an application to include a hydrologic reclamation plan. The existing regulations at 784.14(g) require that the hydrologic reclamation plan include the measures to be taken to "restore approximate premining recharge capacity." In this final rule, OSMRE is implementing Option 2 of the proposed rule by removing the phrase "restore approximate premining recharge capacity" from 30 CFR 784.14(g). The reasons for this change are given in the following discussion of a corresponding change in 30 CFR 817.41.

## 2. PART 817: PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES.

### Section 817.41 Hydrologic Balance Protection

This section contains performance standards requiring underground coal mining and reclamation activities to be conducted to minimize disturbance to the hydrologic balance within the permit and adjacent areas, to prevent material damage outside the permit area, and to support approved postmining land uses.

The suspended paragraph 817.41(b)(2) provided groundwater quantity protection by requiring the handling of earth materials and runoff in a manner that would restore the approximate premining recharge capacity of the reclaimed area. In this final rule OSMRE is removing § 817.41(b)(2) from the regulations.

The proposed rule asked for public comment on any legal and technical issues that might be pertinent to the restoration of approximate premining recharge capacity at underground mines. Comments were received on both types of issues.

After reviewing these comments, as well as the Act, its legislative history, and the remainder of the administrative record for this rule, OSMRE has concluded that nothing in the Act requires OSMRE to promulgate a rule requiring the restoration of approximate premining recharge capacity at underground mines. Moreover, potential impacts on hydrologic recharge capacity deriving from surface operations incidental to underground mining are insignificant. Therefore, OSMRE has concluded that a rule requiring the restoration of premining recharge capacity at underground mines is neither needed nor required. A detailed discussion of the reasons for these conclusions follows.

General performance standards for surface coal mining and reclamation operations appear in section 515(b) of the Act, 30 U.S.C. 1265(b). Corresponding performance standards governing the surface effects of underground coal mining operations appear in section 516(b) of the Act, 30 U.S.C. 1266(b).

The performance standards for surface operations include in section 515(b)(10)(D), "restoring recharge capacity of the mined area to approximate premining conditions \* \* \*". While the corresponding performance standards for the surface effects of underground operations in section 516(b)(9) generally require the operator to "minimize the

disturbances \* \* \* to the quantity of water in surface ground water systems" they include no such specific requirement concerning the restoration of premining recharge capacity.

Section 201(c)(2) of the Act, 30 U.S.C. 1211(c)(2), requires OSMRE to "publish and promulgate such rules and regulations as may be necessary to carry out the purposes and provisions of this Act \* \* \*". In the absence of a specific provision in section 516(b)(9), a rule on the restoration of premining recharge capacity at underground mines is required under section 201(c)(2) only if it is necessary to carry out the purposes of the Act. Based on technical considerations, OSMRE has concluded that such a rule is not necessary.

OSMRE received comments both supporting and challenging its authority to promulgate a rule requiring the restoration of recharge capacity at underground mines. The same provisions in the Act and its legislative history were used to support comments both *pro* and *con*.

Seven commenters stated that section 516(b)(9) of the Act does not authorize a requirement for operators of underground mines to restore recharge capacity. These commenters note that the language of section 516(b)(9)(A) (i) through (ii) and section 516(b)(9)(B) is virtually identical to that of section 515(b)(10)(A) (i) through (iii) and section 515(b)(10)(B), while the additional requirements in section 515(b)(10) (C) through (G), which includes the groundwater recharge capacity requirement, do not appear in section 516. OSMRE believes that the differences pointed out by the commenters support the conclusion that the office is not obligated by the Act to address premining groundwater recharge capacity at underground mines.

Five commenters found additional support for this conclusion in the legislative history of section 516 concerning the surface impacts of underground mines. House Report No. 95-218 discusses concerns with acid and toxic discharges from underground mines. H. Rep. No. 95-218, 95th Cong., 1st Sess. 127 (1977). This section of the report concludes by stating, "The standards included in the bill pertaining to minimizing the disturbances to the prevailing hydrologic balance both during and after coal mining operations, section 516(b)(9), are intended to meet the problem of continuing pollutional discharges after mining has ceased." There is no mention of "recharge capacity" in this reference to section 516(b)(9).

In contrast, two other commenters stated that House Report No. 95-218

supports a recharge capacity requirement for underground mines. They referenced a passage which discusses the short- and long-term disruptive impacts of mining on the ground water supply, and states that "Restoring recharge capacity does not mean restoring the aquifer, but rather that the capability of an area to recharge an aquifer be restored." *Id.* at 116. This passage continues by stating that those mining operations which "singularly or in combination would \* \* \* seriously affect large aquifers \* \* \* should be predicated on the ability of the operator to replace to the extent possible the groundwater storage and recharge capability of the site \* \* \*". OSMRE believes that this referenced section of the report is applicable only to those operations that *seriously affect large aquifers* and that, ordinarily, such operations would not include the surface operations and surface impacts incident to underground mines.

Five commenters stated that section 516 applies specifically to surface impacts of underground mines, and that under section 516(b)(10), section 515 only applies with respect to surface impacts not specified in subsection 516(b). They contended that effects on recharge capacity are not surface impacts, and therefore a requirement for an underground mine to restore recharge capacity cannot be supported by either section 516(b)(10) or 515(b)(10). Another commenter stated that the language in section 516(b)(10) makes it apparent that the section 515(b) standards, specifically section 515(b)(10)(E), were intended to apply to underground mining operations, with such modifications as are necessary to accommodate the distinct difference between surface and underground mining.

Five commenters advanced the argument that principles of statutory construction dictate that specific provisions control when both general and specific provisions exist in the same statute. *United States v. Cihai*, 336 F. Supp. 261 (1972). On this basis, these commenters stated that since section 516(b)(9) imposes specific hydrologic requirements, not including a recharge capacity provision, then section 516(b)(7), which addresses general issues, cannot be interpreted as applying to hydrologic issues. Another commenter stated that remedial statutes should be construed broadly to effectuate congressional intent, with all ambiguities resolved in favor of coverage.

Four commenters discussed the requirement in section 510(b)(3) that the regulatory authority conduct an

assessment of the probable cumulative impact of all mining on the hydrologic balance, and that the proposed operation be designed to prevent material damage to the hydrologic balance outside the permit area. One commenter concluded that since this section deals with permit approval or denial it does not support a performance standard concerning recharge capacity. The commenter pointed out that the language of section 510(b)(3) has been repeated verbatim in the permitting regulations at 30 CFR 784.14(g), as has the language from section 516(b)(9). Another commenter believed that section 510(b)(3) provides the authority to go "beyond minimization of impacts under section 516 and to adopt further regulations \* \* \*."

One commenter stated that section 510(b)(3) was "essential in determining the cumulative impact on the groundwater recharge capacity for any affected aquifer". This section is a general requirement that relates to approval or denial of a permit and identifies written findings to be made by the regulatory authority. It does not stipulate specific recharge capacity requirements.

After consideration of the technical differences between surface and underground mining (described below), OSMRE believes that a rule requiring the restoration of premining recharge capacity at underground mines is not needed. Thus, resolving these opposing views of the statute is not required for OSMRE's disposition of this issue.

Technical concerns were also addressed by the comments. Eight commenters addressed the extremely small surface areas disturbed to facilitate underground mining operations when compared to the vast surface areas of recharge generally available to an aquifer. These commenters pointed out that in many instances the overburden is impacted only to a shallow depth, and does not intercept the coal seam. Furthermore, face-up areas for drift mines are generally located along the slopes of hills, which do not provide significant catchment areas for infiltration of precipitation. Surface facility areas associated with underground mines exist for the life of the mine, which is generally measured in decades. Consequently, even if recharge capacity is minimally impacted, it will re-adjust naturally during the life of the mine. Any change which may occur will be so small as to be unnoticeable because of the small size of the recharge area disturbed relative to the total recharge area for the aquifer and the shallow depth of

disturbance. OSMRE agrees with these comments, and has concluded that the technical differences between the surface effects of surface and underground mining operations on recharge capacity are of sufficient magnitude to justify the removal of § 817.41(b)(2) and the corresponding reference in § 784.14(g).

The limited effect of underground operations on surface recharge capacity has been recognized from the outset of regulation under the Act. Thus, the 1979 permanent program rules did not include a provision requiring the restoration of premining recharge capacity at underground mines. While OSMRE had considered proposing such a rule, it concluded that

Since the structural integrity of water bearing formations should not be significantly affected by underground mining, the recharge capacity of the formations should be maintained without any special precautions.

43 FR 41780 (Sept. 18, 1978). Upon further analysis, OSMRE agrees with this earlier conclusion.

As noted in the legislative history of the Act:

Recharge capacity refers to the ability of an area to replenish its ground water content from precipitation and infiltration from surrounding lands. Restoring recharge capacity *does not mean restoring the aquifer*, but rather that the capability of an area to recharge an aquifer be restored. Spoil handling and placement and grading operations should be designed to enhance and [sic] recharge potential of the site. It is anticipated that in those mining operations which singularly or in combination would mine [sic] *seriously affect large aquifers*, mining should be predicated on the ability of the operator to replace to the extent possible the ground-water storage and recharge capability of the site by *selective spoil material segregation and handling*.

H.R. Rep. No. 95-218, 95th Cong., 1st Sess. 116 (1977) (emphasis added).

As this legislative history indicates, what Congress intended by use of the phrase "restoring recharge capacity" in § 515(b)(10)(D) did not entail restoring the aquifer, but only the handling of spoil materials and regrading of the surface, which are relatively insignificant activities at underground mines. Moreover, the Congress was concerned primarily with operations which would seriously affect large aquifers. Even at underground mines with surface facilities spread over a relatively large area, such facilities would not seriously affect large aquifers and neither spoil handling techniques nor regrading are likely to have any significant effect on recharge capacity.

One commenter suggested that the requirement to restore recharge

capacity, as applicable in the East, may actually be undesirable. The commenter pointed out that steep slopes and shallow depth to bedrock results in recharge to shallow groundwater systems in weathered zones.

The commenter also pointed out that restoring minesites to premining recharge capacity would involve compaction of impermeable materials back to "rock-like porosity," which would result in precipitation runoff to the surface water system rather than to the aquifer. This comment is not pertinent to this rulemaking because the rule does not require compaction of spoil materials to "rock-like porosity."

One commenter pointed out that in addition to all the other differences between section 515(b)(10) and section 516(b)(9), the provision in section 516 eliminates the reference to "quality" that is found in section 515. The commenter believes that this distinction, in addition to the others enumerated above, provides clear indication that Congress intended that the underground coal mine operator not be subject to the same requirements as the surface coal mine operator. OSMRE does not believe that omission of this term in itself justifies not addressing the recharge issue for underground mining operations. However, the technical differences between surface and underground mining as discussed above, provide the basis for removing this requirement.

One commenter stated that the Congress specifically intended that all mining activities be conducted in a manner that minimizes disruption of the hydrologic regime on-site and off-site. This commenter stated that restoring approximate premining recharge capacity is one of the measures necessary to fulfill the intent of the Congress. OSMRE disagrees with this conclusion with respect to underground mining operations because this measure is not specifically identified by Congress in the Act. The conclusion also fails to recognize the regulatory consideration which the Act requires be given to the distinct differences between underground and surface mining operations. These aspects were discussed previously in this preamble.

This same commenter stated that technical literature makes it clear that underground mining in aquifer recharge zones in the Appalachian coal region may have a significant impact on the recharge capabilities of the area. The commenter, however, did not provide any technical references in support of the comment and OSMRE knows of no literature which addresses the issue of

the effect of underground mine face-up areas on the recharge capacity of an area. OSMRE does not disagree with the comment. Considering the short time that these requirements have been in effect it is unlikely that there have been studies conducted to evaluate this situation properly. The removal of a coal seam may indeed have an impact on aquifer recharge; however, the net contribution to this impact from the surface facilities and face-up areas of underground mines is insignificant. When evaluated with respect to the small areas impacted by surface activities of underground mines, and the long duration of these activities, the impact to aquifer recharge zones is minimal.

One commenter addressed the regulatory history of the recharge capacity issue, citing several passages from the proposed and final permanent program preamble, and from the 1983 rulemaking. The commenter concluded that surface impacts of underground activities on the recharge capability of an area are indistinguishable from the surface effects of surface mining activities. OSMRE disagrees. There is no technical basis for equating the face-up area of an underground mine designed to provide mine access with either the open pit of an area mine or a contour mining operation that is designed to mine as far into the hillside and remove as much overburden as is economically practicable. The area and contour surface mines have a far greater impact due to their larger size and depth of overburden removal.

The same commenter also noted that a large underground mine face-up area may have a far greater impact on recharge than many small contour seam or auger stripping operations. OSMRE acknowledges that, given a specific set of circumstances, this may be true. However, as pointed out in discussions above, the recharge impact, which would be minimal, would mitigate itself over the life of the underground mine. The possibility of the situation the commenter describes actually occurring to an extent which would "seriously affect large aquifers" (H.R. Report 95-218, supra, at 116 (1977)) is very unlikely.

The commenter provided several technical references on the effects of stress-relief fracturing on groundwater as evidence that underground mine face-up areas significantly impact groundwater recharge. Several quotations from these references were cited with respect to the impacts that may occur when a certain type of stress-relief fracturing (onion-skin) takes place. The commenter states that these

impacts will be accentuated by an underground face-up area. OSMRE has reviewed these documents and does not believe that they are relevant to the issue of aquifer recharge capacity at underground mine face-up areas. The effects identified in the references are near-surface impacts and may actually be eliminated during mining. There are major differences between the magnitude of the impacts resulting from an underground face-up area which occurs over a very short lateral area, and a contour mine which may wrap around an entire hillside. Contour mines could effectively cut off surface water infiltration to large portions of an aquifer as a result of impacting the stress-relief fracturing system whereas the small area of an underground mine face-up would have only limited local impact.

### III. Procedural Matters

#### *Effect in Federal Program States and on Indian Lands*

The final rule applies through cross-referencing in those States with Federal programs. This includes Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee, and Washington. The Federal programs for these States appear at 30 CFR 910, 912, 921, 922, 933, 937, 939, 941, 942, and 947 respectively. The final rule also applies through cross-referencing to Indian lands under the Federal program for Indian lands as provided in 30 CFR 750.

#### *Federal Paperwork Reduction Act*

The information collection requirements in this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1029-0039.

#### *Executive Order 12291*

The Department of the Interior has examined the final rule according to the criteria of Executive Order 12291 (February 17, 1981) and has determined that it is not a major rule and does not require a regulatory impact analysis. This determination is based on the finding that the regulatory revisions finalized by this rule will not impose any costs on the coal industry since the rule is removing a permitting requirement and a related performance standard. Therefore, the rule will not add to the cost of operating a mine in compliance with an approved regulatory program.

#### *Regulatory Flexibility Act*

The DOI has determined, pursuant to the Regulatory Flexibility Act, 5 U.S.C.

601 *et seq.*, that the final rule will not have a significant economic impact on a substantial number of small entities for the same reasons discussed in the preceding paragraph.

#### *National Environmental Policy Act*

OSMRE has prepared an environmental assessment (EA) of the impacts of this rule on the human environment. This EA is on file in the OSMRE Administrative Record at the address listed in the "ADDRESSES" section of this preamble. Based upon this EA, OSMRE has made a Finding of No Significant Impact (FONSI) in accordance with OSMRE procedures under the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C).

#### *Author*

The principal author of this rule is Raymond E. Aufmuth, Division of Technical Services, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, DC 20240, Telephone: 202-343-7952.

#### *List of Subjects*

##### *30 CFR Part 784*

Reporting and recordkeeping requirements, Underground mining, Surface mining.

##### *30 CFR Part 817*

Environmental protection, Reporting and recordkeeping requirements, Underground mining.

For the reasons set forth in this preamble, 30 CFR Parts 784 and 817 are amended as set forth below.

J. Steven Griles,

Assistant Secretary for Land and Minerals Management.

Dated: November 3, 1987.

### **PART 784—UNDERGROUND MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN**

1. The authority citation for Part 784 is revised to read as follows:

Authority: Pub. L. 95-87, 91 Stat. 445 (30 U.S.C. 1201 *et seq.*), sec. 115, Pub. L. 98-146, 97 Stat. 938 (30 U.S.C. 1257), and Pub. L. 100-34, unless otherwise noted.

2. Paragraph (g) of § 784.14 is revised to read as follows:

#### **§ 784.14 Hydrologic information.**

\* \* \* \* \*

(g) *Hydrologic reclamation plan.* The application shall include a plan, with maps and descriptions, indicating how the relevant requirements of Part 817 of this chapter, including §§ 817.41 to

817.43, will be met. The plan shall be specific to the local hydrologic conditions. It shall contain the steps to be taken during mining and reclamation through bond release to minimize disturbance to the hydrologic balance within the permit and adjacent areas; to prevent material damage outside the permit area; and to meet applicable Federal and State water quality laws and regulations. The plan shall include the measures to be taken to: avoid acid or toxic drainage; prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow; provide water treatment facilities when needed; and control drainage. The plan shall specifically address any potential adverse hydrologic consequences identified in the PHC determination prepared under paragraph (e) of this section and shall include preventive and remedial measures.

\* \* \*

#### **PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES**

3. The authority citation for Part 817 is revised to read as follows:

Authority: Pub. L. 95-87, 91 Stat. 445 (30 U.S.C. 1201 *et seq.*), sec. 115, Pub. L. 98-146, 97 Stat. 938 (30 U.S.C. 1257), and Pub. L. 100-34, unless otherwise noted.

##### **§ 817.41 [Amended]**

4. In § 817.41, paragraph (b)(2) is removed.

[FR Doc. 87-27663 Filed 12-1-87; 8:45 am]

BILLING CODE 4310-05-M

# General Services Administration

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Wednesday  
December 2, 1987

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## Part VI

### General Services Administration

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41 CFR Part 101-6  
Federal Advisory Committee  
Management; Final Rule

**GENERAL SERVICES  
ADMINISTRATION****41 CFR Part 101-6****[FPMR Amendment A-40]****Federal Advisory Committee  
Management****AGENCY:** Office of Administration, GSA.  
**ACTION:** Final rule.

**SUMMARY:** This final rule provides administrative and interpretive guidelines and management controls for Federal agencies concerning the implementation of the Federal Advisory Committee Act, as amended (5 U.S.C., App.) (hereinafter "the Act"). In a previous issue of the *Federal Register*, GSA published an interim final rule on the management of Federal advisory committees and requested comments (48 FR 19324; April 28, 1983). Additional comments were requested through an advance notice of proposed rulemaking published in the *Federal Register* on February 13, 1987 (52 FR 4631). A new proposed rule, removing suggested limitations on the size of Federal advisory committees, eliminating requirements for the provision of updated committee membership data on a quarterly basis and restrictions on the compensation of committee members, and reflecting other actions to streamline compliance with the Act, was published in the *Federal Register* on May 19, 1987 (52 FR 18774), with a 90-day comment period ending on August 17. All comments received were considered in formulating this final rule which is intended to improve the management and use of Federal advisory committees in the Executive Branch of the Federal Government.

**EFFECTIVE DATE:** January 4, 1988.**ADDRESSES:** General Services Administration, Committee Management Secretariat (CTM), Washington, DC 20405.

Copies of all comments received are available for public inspection in Room 7030 of the General Services Building, 18th and F Streets NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** James L. Dean, Director, Committee Management Secretariat, Office of Management Services, Office of Administration, General Services Administration, Washington, DC 20405 (202) 523-1343.

**SUPPLEMENTARY INFORMATION:****Background**

GSA's authority for administering the Act is contained in section 7 of the Act

and Executive Order 12024 (42 FR 61445, 3 CFR, 1977 Comp., p. 158). Under Executive Order 12024, the President delegated to the Administrator of General Services all of the functions vested in the President by the Act, as amended, except that the Annual Report to the Congress required by Section 6(c) shall be prepared by the Administrator for the President's consideration and transmittal to the Congress.

**Discussion of Comments**

As stated above, GSA issued a proposed rule on the management of Federal advisory committees in the *Federal Register* and invited comments. Nineteen commenters responded. Seven commenters had no substantive recommendations and were fully supportive of the proposed rule. Twelve others offered suggestions for improving numerous sections and the disposition of these recommendations is addressed as follows:

*Clarify the Distinction Between  
Operational as Opposed to Advisory  
Committees*

Two commenters suggested that further guidance in the final rule was necessary to assist agencies in interpreting what constitutes primarily an operational committee as opposed to one which performs only advisory functions, in order to determine coverage under the Act. Accordingly, GSA has added language to § 101-6.1004(g) in the final rule which more fully describes what, in general, constitutes operational functions.

While the legislative history of the Act contains the concept for the exclusion of operational committees, there is no precise legal definition of operational committee in either the Act or its legislative history. GSA believes that operational functions to be performed by an advisory committee must be so authorized by law, since the making or implementation of Government decisions is normally reserved to Federal officials as opposed to advisory committees. Additionally, sections 2(b)(6) and 9(b) of the Act provide that, unless specifically provided by statute or Presidential directive, advisory committees may not make determinations or express policy in matters under their consideration. Given the additional language in this final rule, GSA believes that it will be easier for agencies to identify committees which perform primarily operational functions.

*Provide for Coverage Under the Act  
When Certain Groups Provide  
Consensus or Recurrent Advice*

One commenter stated that the language in § 101-6.1004 (i) and (j) of the proposed rule was too tentative to specifically provide that acceptance of consensus advice or advice on a recurring basis from certain groups were determinants for coverage under the Act. GSA has accepted these suggestions and has strengthened the wording of these sections in the final rule.

Agencies are, in effect, cautioned that the Act would apply when an agency accepts the deliberations of a group as a source of *consensus* advice, when heretofore the agency had been obtaining the advice of attendees on an *individual* basis only. Also, when an agency *recurrently* uses a group at the group's request, as a source of advice on a preferential basis, exclusion of coverage under the Act may become questionable even if the group continues only to express its own views without further solicitations from Federal officials.

*Strengthen the Provision for Excluding  
Coverage of So-Called Fact-Finding  
Subgroups*

Several commenters were of the opinion that so-called fact-finding subgroups should continue to be excluded from coverage under the Act. However, it was their general consensus that § 101-6.1004(k) of the proposed rule was less than clear in including both the members of an advisory committee and any of its subcommittee members in this exclusion. One commenter felt strongly that this exclusion should apply to all members of an advisory committee and its subcommittees, whether or not the subcommittee members are members of the parent committee. GSA agrees with this recommendation since it parallels the language and intent expressed in § 101-6.1007(b) (3) and (4) which clarify certain requirements applicable to subcommittees. GSA has reworded the definition of "Advisory Committee" in § 101.6.1003 of the final rule to follow more precisely the language in section 3(2) of the Act, and has been more consistent in the use of the term "subcommittee" in § 101-6.1004(k) and § 101-6.1007(b)(3) of the final rule.

Another commenter felt that the language in § 101-6.1004(k) was not strong enough to preclude fact-finding subgroups from preparing what ultimately becomes the advice and recommendations of the chartered advisory committee, as opposed to

simply gathering information and analyzing facts for the committee. GSA has modified the language in this provision to clarify that the results of such fact-finding activities are to be subject to the deliberation of a chartered advisory committee, or a subcommittee when subsequently conducting a meeting under the Act.

*Provide Additional Guidance on the Requirements Applicable to Subcommittees*

One commenter requested that the final rule provide additional guidance on the applicability of various requirements of the Act to subcommittees. Since the definition of "advisory committee" in section 3(2) of the Act specifically includes " \* \* \* any subcommittee or other subgroup thereof \* \* \* ", GSA believes all requirements of advisory committees in the Act also apply to subcommittees. Furthermore, the Act itself contains no provisions for subcommittees which differ from those applicable to a full or parent committee. Absent more specific language in the Act, additional guidance by GSA which might serve to differentiate any requirements of subcommittees from those of advisory committees would be inconsistent with the Act.

*Exclude From Coverage Under the Act Groups Convened by Agencies on an Ad Hoc Basis*

One commenter recommended that the final rule contain an exclusion from coverage under the Act for so-called *ad hoc* groups lacking formal organization, structure, or continuing existence; convened by an agency to obtain views on particular matters of immediate concern. GSA is of the opinion that such an exclusion is not appropriate since the Act itself neither defines nor specifically excludes such groups. In fact, section 6(c) of the Act, providing for the President's annual report to the Congress, requires a statement for each advisory committee, " \* \* \* of whether it is an *ad hoc* or continuing body \* \* \* ". Accordingly, GSA has not accepted the recommendation to exclude *ad hoc* groups since GSA believes that the language of section 6(c) of the Act evidences the intent of the Congress that a group is not to be excluded from coverage merely because it is convened on an *ad hoc*, or temporary basis.

*Provide That Agencies May Exercise Policy Decisions in Issuing Exclusions for One-Time Meetings*

In a comment directed toward GSA's position stated in the discussion of prior comments in the proposed rule (see 52 FR 18774, **SUPPLEMENTARY**

**INFORMATION**); a commenter suggested that the final rule should not preclude agencies from issuing an exclusion for one-time meetings. This commenter felt that GSA's opinion, that such an exclusion in the rule was not appropriate in view of the limited litigation history, should not bar agencies from issuing such exclusions. In fact, it was the opinion of this commenter that the absence of litigation history was not sufficient reason to limit management discretion.

GSA continues to believe that a one-time meeting exclusion in the final rule would be inconsistent with the Act, and does not intend to provide either a direct exclusion in § 101-6.1004 or provide that such a decision may be left to an agency, thereby implying GSA's support for such exclusions. Accordingly, GSA reiterates its opinion that in the absence of any judicial precedent to the contrary, meetings or groups which take place or meet only once should not be excluded from the Act's coverage solely on this basis.

*Eliminate the Agency Requirement to Assess Duplication of Effort of Advisory Committees on a Governmentwide Basis*

Two commenters pointed out the impracticability of requiring an agency to assess duplication of effort of already existing committees on a Governmentwide basis as opposed to an individual agency basis. Both commenters further asserted that this Governmentwide role could be performed by GSA during its own review process subsequent to the receipt of the agency's proposal in accordance with § 101-6.1007(b) of the rule.

Since GSA is responsible for reviewing and maintaining data on all advisory committees in every agency pursuant to several provisions of the Act, GSA agrees that it can effectively perform this function. GSA can also provide agencies, on request, information on other agency committees relative to potential duplication of effort issues.

GSA has rewritten the language in § 101-6.1007 (a) and (b)(2)(ii) of the final rule to reflect this concept by providing that an agency only consider the functions of a proposed committee for duplication of existing committees in the same agency.

*Include the Agency's Plan for Balanced Membership in Federal Register Notices and Charters*

One commenter suggested that an agency's plan to attain balanced membership for a proposed advisory committee, to be submitted in conjunction with the review required by

§ 101-6.1007(b) of the proposed rule, should be included in both the **Federal Register** notice of establishment and in the filed charter.

GSA has not adopted this suggestion for two reasons. First, the agency letter proposing the establishment of an advisory committee under general agency authority already contains this information, as specified by § 101-6.1007(b)(2)(iii) of the rule, and this letter would be a public record following the establishment of the advisory committee. Second, inclusion of this information in the **Federal Register** notice of establishment and the filed charter is not specifically required under sections 9 (a)(2) and (c) of the Act. For purposes of this comment, GSA has not altered § 101-6.1007(b)(1) or § 101-6.1015(a)(1) of the final rule.

*Provide Additional Guidance on Balanced Representation and Selection of Members*

One commenter was concerned that the proposed rule did not contain sufficient guidance on balanced representation and the selection of members, and suggested that the final rule provide additional instructions for agencies to follow in these areas. GSA recognizes that the guidelines in the proposed rule are limited to the language of the Act. However, GSA believes that the provisions of section 5(c) of the Act are broad enough to allow agency discretion in determining advisory committee representation and membership relative to applicable statutes, Executive Orders, and the needs of the agency responsible for the committee. Accordingly, GSA will retain the proposed guidelines in the final rule based on the language of the Act.

*Provide Revised Recordkeeping Requirements*

Two commenters, directly or indirectly, expressed concern over the recordkeeping requirements contained in the proposed rule. One commenter observed that it was not possible for the Committee Management Officer (CMO) to ensure compliance with sections 10(b), 12(a) and 13 of the Act, as required by § 101-6.1017. Section 10(b) of the Act requires that the records of an advisory committee *shall* be available at a single location at the advisory committee or the agency to which it reports during the committee's existence. This commenter suggested that GSA relax the requirement of § 101-6.1017.

Another commenter, taking a different view, complained of the haphazard approach by agencies to the public

availability and retention of advisory committee records. This commenter recommended that the regulations be strengthened in these aspects.

For the following reasons, GSA has determined not to adopt the specific suggestions of either commenter. First, section 8(b)(2) of the Act provides that the CMO shall "assemble and maintain the reports, records, and other papers of any such committee during its existence." When sections 8(b)(2) and 10(b) are read together, it is clear that the records of an advisory committee are to be available at a single location and it is the CMO who is responsible for ensuring that this is accomplished. GSA has therefore decided against relaxing the requirements of § 101-6.1017 in the final rule.

The commenter who expressed concern over the haphazard approach to recordkeeping suggested that the final rule should: (1) Require agencies to keep committee records available for a certain period of time after a committee has terminated, and (2) address the perceived unavailability of the deliberative process privilege under the fifth exemption of the Freedom of Information Act (FOIA) to advisory committee records. For the following reasons, GSA has not adopted these comments.

First, pursuant to the National Archives and Records Administration Act of 1984, as amended, Pub. L. 98-497, the Archivist of the United States is responsible for records management in the Federal Government, including the issuance of regulations and guidance for records retention and disposition, as well as the process for identifying records appropriate for transfer to the permanent Archives of the United States. Since the Federal Advisory Committee Act is silent on records disposition for advisory committees, we see no reason or basis for GSA to alter normal Governmentwide procedures in this area which are the responsibility of the Archivist of the United States. Second, the commenter suggested that the Government's settlement of the law suit involving records of the Attorney General's Commission on Pornography was a concession that the deliberative process privilege under the fifth exemption of FOIA does not apply to advisory committees. Since cases may be settled for a variety of reasons which do not involve a decision on the merits, GSA does not believe that the mere settlement of a matter in litigation is dispositive of the legal issues raised in the litigation. Accordingly, GSA has determined not to adopt this suggestion.

*Provide Guidance to Agencies Concerning the Applicability of the Anti-Lobbying Statute and Hatch Act to Advisory Committee Members*

With respect to § 101-6.1033 of the proposed rule, one commenter stated that unless provided by statute, agencies should not compensate advisory committee members if they provide policy advice on proposals for legislation because this compensation would violate the anti-lobbying statute. (See 18 U.S.C. 1913). The same commenter also stated that GSA should direct agencies to ensure that any members of an advisory committee who are subject to the Hatch Act (5 U.S.C. 7321-7328) are aware of their obligations under that law.

For the following reasons, GSA has adopted neither suggestion. First, GSA does not believe that the traditional activities of an advisory committee fall within the scope of the activities which 18 U.S.C. 1913 was designed to protect against. Second, the Federal Advisory Committee Act itself does not reference the Hatch Act, and there is already a body of regulations on political activities by Federal employees which has been issued by the Office of Personnel Management, 5 CFR Part 733. Also, the Special Counsel of the Merit Systems Protection Board, who has responsibilities for investigation and administrative prosecution of alleged Hatch Act violations, issues advisory opinions on Hatch Act questions. GSA sees no need to issue regulations in this area when there are already regulations in place and an administrative mechanism available through agencies with greater responsibilities in this area than GSA.

*Clarify the Procedures for Transmitting Follow-up Reports on Presidential Advisory Committee Recommendations*

One commenter requested clarification in § 101-6.1035(a) of the proposed rule on the procedures required for transmittal of follow-up reports to the Congress on the disposition of Presidential advisory committee recommendations, as required by section 6(b) of the Act. GSA has decided to retain the proposed language in the final rule without further modification at this time. GSA agrees that there has been some confusion as to whether the agency responsible for supporting the Presidential advisory committee, or GSA, should transmit the report. GSA intends to propose further guidance in a future revision to this final rule following more consultation with the affected agencies.

**Procedural and Administrative Comments**

The final rule incorporates numerous technical and procedural recommendations made by several commenters, particularly in the following sections:

Section	Modification
101-6.1007(b)(2) .....	Requires proposed charter with agency letter.
101-6.1007(d)(1) .....	Provides that date of charter filing constitutes date of establishment.
101-6.1013 (a)(3) and (c)(3) .....	Eliminates proposed requirement for providing copies of filing letters to GSA by adding provision for filing dates on charters; makes related change to copies of Presidential advisory committee charters furnished to the Congress.
101-6.1015 (a)(2) and (b)(1) .....	Provides for timely notices in the <b>Federal Register</b> on a calendar-day basis.
101-6.1017 (a) and (d) .....	Adds requirements that membership lists and closed meeting determinations be included in records.
101-6.1025(b) .....	Adds requirement from section 10(c) of the Act on the certification to the accuracy of minutes of meetings.
101-6.1027(b) .....	Adds requirement to notify Secretariat when an agency head terminates a committee.
101-6.1035(d) .....	Provides for location for filing copies of reports with the Library of Congress.

Other sections were also amended or revised for clarity of intent, or corrected for errors in content and format.

These sections include:

Section	Modification
101-6.1002(d) .....	Changes citation of "the Act" to the Government in the Sunshine Act.
101-6.1007(b)(2)(iii) .....	Clarifies provision for considering the selection of members with respect to attaining balance.
101-6.1009 .....	Corrects title of section to preclude inadvertent exclusion of committees directed or authorized by law; or established by the President.
101-6.1013(b) .....	Corrects heading of section to preclude inadvertent exclusion of committees authorized by law.
101-6.1015(a)(1) .....	Clarifies provision that a <b>Federal Register</b> notice of establishment is not required for committees specifically directed by law or established by the President.
101-6.1017 .....	Eliminates sentence concerning files to preclude misinterpretation.
101-6.1019 .....	Clarifies the status and role of the Designated Federal Officer.
101-6.1027(a)(3) .....	Specifies the means by which the President or an agency head terminates a committee.
101-6.1029(a)(1) .....	Clarifies the process involving the re-chartering of committees specifically directed by law whose duration extends beyond 2 years.
101-6.1031(a) .....	Corrects heading of section to encompass committees authorized by law; specifies that the agency head is responsible for minor charter amendments.
101-6.1031(b) .....	Specifies that the agency head retains final authority for amending certain charters.

**Additional Instructions**

Pursuant to section 7(d) of the Act, the guidelines contained in this final rule

with respect to uniform fair rates of pay for comparable services for members, staffs and consultants of advisory committees have been established after consultation by the Administrator with the Director, Office of Personnel Management.

#### Executive Order 12291

GSA has determined that this final rule is not a major rule for purposes of Executive Order 12291 of February 17, 1981, because it will not result in an annual effect on the economy of \$100 million or more, will not cause a major increase in costs to consumers or others, and will not have significant adverse effects. GSA has based all administrative decisions on this final rule on adequate information concerning the need for and consequences of this final rule. GSA has also determined that the potential benefits to society from this final rule far outweigh the potential costs, has maximized the net benefits, and has chosen the alternative involving the least net cost to society.

#### Regulatory Flexibility Act

These regulations are not subject to the regulatory flexibility analysis or other requirements of 5 U.S.C. 603 and 604.

#### List of Subjects in 41 CFR Part 101-6

Civil rights, Government property management, Grant programs, Intergovernmental relations, Surplus Government property, Relocation assistance, Real property acquisition, Federal advisory committees.

Accordingly, 41 CFR Part 101-6 is amended as follows:

#### PART 101-6—MISCELLANEOUS REGULATIONS

1. The authority citation for 41 CFR Part 101-6 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); sec. 7, 5 U.S.C., App.; and E.O. 12024, 3 CFR 1977 Comp., p. 158.

2. Subpart 101-6.10 is revised to read as follows:

#### Subpart 101-6.10—Federal Advisory Committee Management

- Sec.
- 101-6.1001 Scope.
  - 101-6.1002 Policy.
  - 101-6.1003 Definitions.
  - 101-6.1004 Examples of advisory meetings or groups not covered by the Act or this subpart.
  - 101-6.1005 Authorities for establishment of advisory committees.
  - 101-6.1006 [Reserved]
  - 101-6.1007 Agency procedures for establishing advisory committees.

- Sec.
- 101-6.1008 The role of GSA.
  - 101-6.1009 Responsibilities of an agency head.
  - 101-6.1010 [Reserved]
  - 101-6.1011 Responsibilities of the chairperson of an independent Presidential advisory committee.
  - 101-6.1012 [Reserved]
  - 101-6.1013 Charter filing requirements.
  - 101-6.1014 [Reserved]
  - 101-6.1015 Advisory committee information which must be published in the Federal Register.
  - 101-6.1016 [Reserved]
  - 101-6.1017 Responsibilities of the agency Committee Management Officer.
  - 101-6.1018 [Reserved]
  - 101-6.1019 Duties of the Designated Federal Officer.
  - 101-6.1020 [Reserved]
  - 101-6.1021 Public participation in advisory committee meetings.
  - 101-6.1022 [Reserved]
  - 101-6.1023 Procedures for closing an advisory committee meeting.
  - 101-6.1024 [Reserved]
  - 101-6.1025 Requirement for maintaining minutes of advisory committee meetings.
  - 101-6.1026 [Reserved]
  - 101-6.1027 Termination of advisory committees.
  - 101-6.1028 [Reserved]
  - 101-6.1029 Renewal and rechartering of advisory committees.
  - 101-6.1030 [Reserved]
  - 101-6.1031 Amendments to advisory committee charters.
  - 101-6.1032 [Reserved]
  - 101-6.1033 Compensation and expense reimbursement of advisory committee members, staffs and consultants.
  - 101-6.1034 [Reserved]
  - 101-6.1035 Reports required for advisory committees.

#### § 101-6.1001 Scope.

(a) This subpart defines the policies, establish minimum requirements, and provide guidance to agency management for the establishment, operation, administration, and duration of advisory committees subject to the Federal Advisory Committee Act, as amended. Reporting requirements which keep the Congress and the public informed of the number, purpose, membership, activities, and cost of these advisory committees are also included.

(b) The Act and this subpart do not apply to advisory meetings or groups listed in § 101-6.1004.

#### § 101-6.1002 Policy.

The policy to be followed by Federal departments, agencies, and commissions, consistent with the Federal Advisory Committee Act, as amended, is as follows:

(a) An advisory committee shall be established only when it is essential to the conduct of agency business. Decision criteria include whether committee deliberations will result in

the creation or elimination of, or change in regulations, guidelines, or rules affecting agency business; whether the information to be obtained is already available through another advisory committee or source within the Federal Government; whether the committee will make recommendations resulting in significant improvements in service or reductions in cost; or whether the committee's recommendations will provide an important additional perspective or viewpoint impacting agency operations;

(b) An advisory committee shall be terminated whenever the stated objectives of the committee have been accomplished; the subject matter or work of the committee has become obsolete by the passing of time or the assumption of the committee's main functions by another entity within the Federal Government; or the agency determines that the cost of operation is excessive in relation to the benefits accruing to the Federal Government;

(c) An advisory committee shall be balanced in its membership in terms of the points of view represented and the functions to be performed; and

(d) An advisory committee shall be open to the public in its meetings except in those circumstances where a closed meeting shall be determined proper and consistent with the provisions in the Government in the Sunshine Act, 5 U.S.C. 552(b).

#### § 101-6.1003 Definitions.

"Act" means the Federal Advisory Committee Act, as amended, 5 U.S.C., App.

"Administrator" means the Administrator of General Services.

"Advisory committee" subject to the Act means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, which is established by statute, or established or utilized by the President or any agency official for the purpose of obtaining advice or recommendations on issues or policies which are within the scope of his or her responsibilities.

"Agency" has the same meaning as in section 551(1) of Title 5 of the United States Code.

"Committee Management Secretariat" ("Secretariat"), established pursuant to the Act is responsible for all matters relating to advisory committees, and carries out the Administrator's responsibilities under the Act and Executive Order 12024.

"Committee member" means an individual who serves by appointment on an advisory committee and has the

full right and obligation to participate in the activities of the committee, including voting on committee recommendations.

"Presidential advisory committee" means any advisory committee which advises the President. It may be established by the President or by the Congress, or used by the President in the interest of obtaining advice or recommendations for the President. "Independent Presidential advisory committee" means any Presidential advisory committee not assigned by the President, or the President's delegate, or by the Congress in law, to an agency for administrative and other support and for which the Administrator of General Services may provide administrative and other support on a reimbursable basis.

"Staff member" means any individual who serves in a support capacity to an advisory committee.

"Utilized" (or "used"), as referenced in the definition of "Advisory committee" in this section, means a committee or other group composed in whole or in part of other than full-time officers or employees of the Federal Government with an established existence outside the agency seeking its advice which the President or agency official(s) adopts, such as through institutional arrangements, as a preferred source from which to obtain advice or recommendations on a specific issue or policy within the scope of his or her responsibilities in the same manner as that individual would obtain advice or recommendations from an established advisory committee.

**§ 101-6.1004 Examples of advisory meetings or groups not covered by the Act or this subpart.**

The following are examples of advisory meetings or groups not covered by the Act or this subpart:

(a) Any committee composed wholly of full-time officers or employees of the Federal Government;

(b) Any advisory committee specifically exempted by an Act of Congress;

(c) Any advisory committee established or utilized by the Central Intelligence Agency;

(d) Any advisory committee established or utilized by the Federal Reserve System;

(e) The Advisory Committee on Intergovernmental Relations;

(f) Any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any State or local committee, council, board, commission, or similar group established to advise or

make recommendations to State or local officials or agencies;

(g) Any committee which is established to perform primarily operational as opposed to advisory functions. Operational functions are those specifically provided by law, such as making or implementing Government decisions or policy. An operational committee may be covered by the Act if it becomes primarily advisory in nature. It is the responsibility of the administering agency to determine whether such a committee is primarily operational. If so, it would not fall under the requirements of the Act and this Subpart, but would continue to be regulated under relevant laws, subject to the direction of the President and the review of the appropriate legislative committees;

(h) Any meeting initiated by the President or one or more Federal official(s) for the purpose of obtaining advice or recommendations from one individual;

(i) Any meeting initiated by a Federal official(s) with more than one individual for the purpose of obtaining the advice of individual attendees and not for the purpose of utilizing the group to obtain consensus advice or recommendations. However, agencies should be aware that such a group would be covered by the Act when an agency accepts the group's deliberations as a source of consensus advice or recommendations;

(j) Any meeting initiated by a group with the President or one or more Federal official(s) for the purpose of expressing the group's view, provided that the President or Federal official(s) does not use the group recurrently as a preferred source of advice or recommendations;

(k) Meetings of two or more advisory committee or subcommittee members convened solely to gather information or conduct research for a chartered advisory committee, to analyze relevant issues and facts, or to draft proposed position papers for deliberation by the advisory committee or a subcommittee of the advisory committee; or

(l) Any meeting with a group initiated by the President or one or more Federal official(s) for the purpose of exchanging facts or information.

**§ 101-6.1005 Authorities for establishment of advisory committees.**

An advisory committee may be established in one of four ways:

(a) By law where the Congress specifically directs the President or an agency to establish it;

(b) By law where the Congress authorizes but does not direct the President or an agency to establish it. In

this instance, the responsible agency head shall follow the procedures provided in § 101-6.1007;

(c) By the President by Executive Order; or

(d) By an agency under general agency authority in Title 5 of the United States Code or under other general agency-authorizing law. In this instance, an agency head shall follow the procedures provided in § 101-6.1007.

**§ 101-6.1006 [Reserved]**

**§ 101-6.1007 Agency procedures for establishing advisory committees.**

(a) When an agency head decides that it is necessary to establish a committee, the agency must consider the functions of similar committees in the same agency before submitting a consultation to GSA to ensure that no duplication of effort will occur.

(b) In establishing or utilizing an advisory committee, the head of an agency or designee shall comply with the Act and this subpart, and shall:

(1) Prepare a proposed charter for the committee which includes the information listed in section 9(c) of the Act; and

(2) Submit a letter and the proposed charter to the Secretariat proposing to establish or use, reestablish, or renew an advisory committee. The letter shall include the following information:

(i) An explanation of why the committee is essential to the conduct of agency business and in the public interest;

(ii) An explanation of why the committee's functions cannot be performed by the agency, another existing advisory committee of the agency, or other means such as a public hearing; and

(iii) A description of the agency's plan to attain balanced membership. For purposes of attaining balance, agencies shall consider for membership interested persons and groups with professional or personal qualifications or experience to contribute to the functions and tasks to be performed. This should be construed neither to limit the participation, nor compel the selection of any particular individual or group to obtain divergent points of view that are relevant to the business of the advisory committee.

(3) Subcommittees that do not function independently of the full or parent advisory committee need not follow the requirements of paragraphs (b)(1) and (b)(2) of this section. However, they are subject to all other requirements of the Act.

(4) The requirements of paragraphs (b)(1) and (b)(2) of this section shall apply for any subcommittee of a chartered advisory committee, whether its members are drawn in whole or in part from the full or parent advisory committee, which functions independently of the parent advisory committee such as by making recommendations directly to the agency rather than for consideration by the chartered advisory committee.

(c) The Secretariat will review the proposal and notify the agency of GSA's views within 15 calendar days of receipt, if possible. The agency head retains final authority for establishing a particular advisory committee.

(d) The agency shall notify the Secretariat in writing that either:

(1) The advisory committee is being established. The filing of the advisory committee charter as specified in § 101-6.1013 shall be considered appropriate written notification in this instance. The date of filing constitutes the date of establishment or renewal. The agency head shall then comply with the provisions of § 101-6.1009 for an established advisory committee; or

(2) The advisory committee is not being established. In this instance, the agency shall also advise the Secretariat if the agency head intends to take any further action with respect to the proposed advisory committee.

#### § 101-6.1008 The role of GSA.

(a) The functions under section 7 of the Act will be performed for the Administrator by the Secretariat. The Secretariat assists the Administrator in prescribing administrative guidelines and management controls for advisory committees, and assists other agencies in implementing and interpreting these guidelines. In exercising internal controls over the management and supervision of the operations and procedures vested in each agency by section 8(b) of the Act and by § 101-6.1009 and § 101-6.1017 of this rule, agencies shall conform to the guidelines prescribed by GSA.

(b) The Secretariat may request comments from agencies on management guidelines and policy issues of broad interagency interest or application to the Federal advisory committee program.

(c) In advance of issuing informal guidelines, nonstatutory reporting requirements, and administrative procedures such as report formats or automation, the Secretariat shall request formal or informal comments from agency Committee Management Officers.

#### § 101-6.1009 Responsibilities of any agency head.

The head of each agency that uses one or more advisory committees shall ensure:

(a) Compliance with the Act and this subpart;

(b) Issuance of administrative guidelines and management controls which apply to all advisory committees established or used by the agency;

(c) Designation of a Committee Management Officer who shall carry out the functions specified in section 8(b) of the Act;

(d) Provision of a written determination stating the reasons for closing any advisory committee meeting to the public;

(e) A review, at least annually, of the need to continue each existing advisory committees, consistent with the public interest and the purpose of functions of each committee;

(f) Rates of pay are justified and levels of agency support are adequate;

(g) The appointment of a Designated Federal Officer for each advisory committee and its subcommittees;

(h) The opportunity for reasonable public participation in advisory committee activities; and

(i) That the number of committee members is limited to the fewest necessary to accomplish committee objectives.

#### § 101-6.1010 [Reserved]

#### § 101-6.1011 Responsibilities of the chairperson of an independent Presidential advisory committee.

The chairperson of an independent Presidential advisory committee shall comply with the Act and this subpart and shall:

(a) Consult with the Administrator concerning the role of the Designated Federal Officer and Committee Management Officer; and

(b) Fulfill the responsibilities of an agency head as specified in paragraphs (d) and (h) of § 101-6.1009.

#### § 101-6.1012 [Reserved]

#### § 101-6.1013 Charter filing requirements.

No advisory committee may operate, meet, or take any action until its charter has been filed as follows:

(a) *Advisory committee established, used, reestablished, or renewed by an agency.* The agency head shall file—

(1) The charter with the standing committees of the Senate and the House of Representatives having legislative jurisdiction of the agency;

(2) A copy of the filed charter with the Library of Congress, Exchange and Gift Division, Federal Documents Section,

Federal Advisory Committee Desk, Washington, DC 20540; and

(3) A copy of the charter indicating the Congressional filing date, with the Secretariat.

(b) *Advisory committee specifically directed by law or authorized by law.* Procedures are the same as in paragraph (a) of this section.

(c) *Presidential advisory committee.*

When either the President or the Congress establishes an advisory committee that advises the President, the responsible agency head or, in the case of an independent Presidential advisory committee, the President's designee shall file—

(1) The charter with the Secretariat;

(2) A copy of the filed charter with the Library of Congress; and

(3) If specifically directed by law, a copy of the charter indicating its date of filing with the Secretariat, with the standing committees on the Senate and the House of Representatives having legislative jurisdiction of the agency or the independent Presidential advisory committee.

#### § 101-6.1014 [Reserved]

#### § 101-6.1015 Advisory committee information which must be published in the Federal Register.

(a) *Committee establishment, reestablishment, or renewal.* (1) A notice in the Federal Register is required when an advisory committee, except a committee specifically directed by law or established by the President by Executive Order, is established, used, reestablished, or renewed. Upon receiving notification of the completed review from the Secretariat in accordance with paragraph (c) of § 101-6.1007, the agency shall publish a notice in the Federal Register that the committee is being established, used, reestablished, or renewed. For a new committee, such notice shall also include statements describing the nature and purpose of the committee and that the committee is necessary and in the public interest.

(2) Establishment and reestablishment notices shall appear at least 15 calendar days before the committee charter is filed, except that the Secretariat may approve less than 15 days when requested by the agency for good cause. The 15-day advance notice requirement does not apply to committee renewals, notices of which may be published concurrently with the filing of the charter.

(b) *Committee meetings.* (1) The agency or an independent Presidential advisory committee shall publish at least 15 calendar days prior to an

advisory committee meeting a notice in the *Federal Register*, which includes:

- (i) The exact name of the advisory committee as chartered;
- (ii) The time, date, place, and purpose of the meeting;

- (iii) A summary of the agenda; and
- (iv) A statement whether all or part of the meeting is open to the public or closed, and if closed, the reasons why, citing the specific exemptions of the Government in the Sunshine Act (5 U.S.C. 552(b)) as the basis for closure.

(2) In exceptional circumstances, the agency or an independent Presidential advisory committee may give less than 15 days notice, provided that the reasons for doing so are included in the committee meeting notice published in the *Federal Register*.

**§ 101-6.1016. [Reserved]**

**§ 101-6.1017 Responsibilities of the agency Committee Management Officer.**

In addition to implementing the provisions of section 8(b) of the Act, the Committee Management Officer will carry out all responsibilities delegated by the agency head. The Committee Management Officer should also ensure that section 10(b), 12(a) and 13 of the Act are implemented by the agency to provide for appropriate recordkeeping. Records include, but are not limited to:

- (a) A set of approved charters and membership lists for each advisory committee;

- (b) Copies of the agency's portion of the Annual Report of Federal Advisory Committees required by paragraph (b) of § 101-6.1035;

- (c) Agency guidelines on committee management operations and procedures as maintained and updated; and

- (d) Agency determinations to close advisory committee meetings as required by paragraph (c) of § 101-6.1023.

**§ 101-6.1018 [Reserved]**

**§ 101-6.1019 Duties of the Designated Federal Officer.**

The agency head or, in the case of an independent Presidential advisory committee, the Administrator shall designate a Federal officer or employee, who may be either full-time or permanent part-time, to be the Designated Federal Officer for each advisory committee and its subcommittees, who:

- (a) Must approve or call the meeting of the advisory committee;

- (b) Must approve the agenda;

- (c) Must attend the meetings;

- (d) Shall adjourn the meetings when such adjournment is in the public interest; and

- (e) Chairs the meeting when so directed by the agency head.

- (f) The requirement in paragraph (b) of this section does not apply to a Presidential advisory committee.

**§ 101-6.1020 [Reserved]**

**§ 101-6.1021 Public participation in advisory committee meetings.**

The agency head, or the chairperson of an independent Presidential advisory committee, shall ensure that—

- (a) Each advisory committee meeting is held at a reasonable time and in a place reasonably accessible to the public;

- (b) The meeting room size is sufficient to accommodate advisory committee members, committee or agency staff, and interested members of the public;

- (c) Any member of the public is permitted to file a written statement with the advisory committee; and

- (d) Any member of the public may speak at the advisory committee meeting if the agency's guidelines so permit.

**§ 101-6.1022 [Reserved]**

**§ 101-6.1023 Procedures for closing an advisory committee meeting.**

- (a) To close all or part of a meeting, an advisory committee shall submit a request to the agency head or, in the case of an independent Presidential advisory committee, the Administrator, citing the specific provisions of the Government in the Sunshine Act (5 U.S.C. 552(b)) which justify the closure. The request shall provide the agency head or the Administrator sufficient time to review the matter in order to make a determination prior to publication of the meeting notice required by § 101-6.1015(b).

- (b) The general counsel of the agency or, in the case of an independent Presidential advisory committee, the general counsel of the General Services Administration should review all requests to close meetings.

- (c) If the agency head or, in the case of an independent Presidential advisory committee, the Administrator agrees that the request is consistent with the provisions in the Government in the Sunshine Act and the Federal Advisory Committee Act, he or she shall issue a determination that all or part of the meeting be closed.

- (d) The agency head, or the chairperson of an independent Presidential advisory committee, shall:

- (1) Make a copy of the determination available to the public upon request; and

- (2) State the reasons why all or part of the meeting is closed, citing the specific exemptions used from the Government

in the Sunshine Act in the meeting notice published in the *Federal Register*.

**§ 101-6.1024 [Reserved]**

**§ 101-6.1025 Requirement for maintaining minutes of advisory committee meetings.**

- (a) The agency head or, in the case of an independent Presidential advisory committee, the chairperson shall ensure that detailed minutes of each advisory committee meeting are kept. The minutes must include:

- (1) Time, date, and place;

- (2) A list of the following persons who were present:

- (i) Advisory committee members and staff;

- (ii) Agency employees; and

- (iii) Members of the public who presented oral or written statements;

- (3) An estimated number of other members of the public present;

- (4) An accurate description of each matter discussed and the resolution, if any, made by the committee of such matter; and

- (5) Copies of each report or other document received, issued, or approved by the committee.

- (b) The chairperson of each advisory committee shall certify to the accuracy of all minutes of advisory committee meetings.

**§ 101-6.1026 [Reserved]**

**§ 101-6.1027 Termination of advisory committees.**

- (a) Any advisory committee shall automatically terminate not later than 2 years after it is established, reestablished, or renewed, unless:

- (1) Its duration is otherwise provided for by law;

- (2) The President or agency head renews it prior to the end of such period; or

- (3) The President or agency head terminates it before that time by revoking or abolishing its establishment authority.

- (b) If an agency head terminates an advisory committee, the agency shall notify the Secretariat of the effective date of termination.

**§ 101-6.1028 [Reserved]**

**§ 101-6.1029 Renewal and rechartering of advisory committees.**

- (a) Advisory committees specifically directed by law:

- (1) Whose duration extends beyond 2 years shall require rechartering by the filing of a new charter every 2 years after the date of enactment of the law establishing the committee. If a new charter is not filed, the committee is not

terminated, but may not meet or take any action.

(2) Which would terminate under the provisions of section 14 of the Act, and for which renewal would require reauthorization by law, may be reestablished by an agency provided that the agency complies under general agency authority with the provisions of § 101-6.1007.

(b) Advisory committees established by the President may be renewed by appropriate action of the President and the filing of a new charter.

(c) Advisory committees authorized by law or established or used by an agency may be renewed, provided that at least 30 but not more than 60 days before the committee terminates, an agency head who intends to renew a committee complies with the provisions of § 101-6.1007.

#### § 101-6.1030 [Reserved]

#### § 101-6.1031 Amendments to advisory committee charters.

(a) *Committees specifically directed by law or authorized by law; or established by the President.* The agency head shall be responsible for ensuring that any minor technical changes made to current charters are consistent with the relevant statute or Executive Order. When the Congress by law, or the President by Executive Order, changes the authorizing language which has been the basis for establishing an advisory committee, the agency head, or the chairperson of an independent Presidential advisory committee, shall:

(1) Amend those sections of the current charter affected by the new law or Executive Order; and

(2) File the amended charter as specified in § 101-6.1013.

(b) *Committees established or used by an agency.* The charter of an advisory committee established under general agency authority may be amended when an agency head determines that the existing charter no longer accurately reflects the objectives or functions of the committee. Changes may be minor, such as revising the name of the advisory committee, or modifying the estimated number or frequency of meetings. Changes may also be major such as those dealing with the objectives or composition of the committee. The agency head retains final authority for amending the charter of an advisory committee. Amending any existing advisory committee charter does not constitute renewal of the committee under § 101-6.1029.

(1) To make a minor amendment to a committee charter, an agency shall:

(i) Amend the charter language as necessary, and

(ii) File the amended charter as specified in § 101-6.1013.

(2) To make a major amendment to a committee charter, an agency shall:

(i) Amend the charter language as necessary;

(ii) Submit the proposed amended charter with a letter to the Secretariat requesting GSA's views on the amended language, along with an explanation of the purpose of the changes and why they are necessary. The Secretariat will review the proposed changes and notify the agency of GSA's views within 15 calendar days of the request, if possible; and

(iii) File the amended charter as specified in § 101-6.1013.

#### § 101-6.1032 [Reserved]

#### § 101-6.1033 Compensation and expense reimbursement of advisory committee members, staffs and consultants.

(a) *Uniform pay guidelines for members of an advisory committee.* Nothing in this subpart shall require an agency head to provide compensation, unless otherwise provided by law, to a member of an advisory committee. However, when compensation is deemed appropriate by an agency, it shall fix the pay of the members of an advisory committee to the daily equivalent of a rate of the General Schedule in 5 U.S.C. 5332 unless the members are appointed as consultants and compensated under 5 U.S.C. 3109. In determining an appropriate rate of pay for the members, an agency shall give consideration to the significance, scope, and technical complexity of the matters with which the advisory committee is concerned and the qualifications required of the members of the advisory committee. An agency may not fix the pay of the members of an advisory committee at a rate higher than the daily equivalent of the maximum rate for a GS-15 under the General Schedule, unless a higher rate is mandated by statute, or the head of the agency has personally determined that a higher rate of pay under the General Schedule is justified and necessary. Such a determination must be reviewed by the head of the agency annually. Under this subpart, an agency may not fix the pay of the members of an advisory committee at a rate of pay higher than the daily equivalent of a rate for a GS-18, as provided in 5 U.S.C. 5332.

(b) *Pay for staff members of an advisory committee.* An agency may fix the pay of each advisory committee staff member at a rate of the General Schedule in which the Staff member's

position would appropriately be placed (5 U.S.C. Chapter 51). An agency may not fix the pay of a staff member at a rate higher than the daily equivalent of the maximum rate for GS-15, unless the agency head has determined that under the General Schedule the staff member's position would appropriately be placed at a grade higher than GS-15. This determination must be reviewed annually by the agency head.

(1) In establishing rates of compensation, the agency head shall comply with any applicable statutes, regulations, Executive Orders, and administrative guidelines.

(2) A staff member who is a Federal employee shall serve with the knowledge of the Designated Federal Officer and the approval of the employee's direct supervisor. If a non-Federal employee, the staff member shall be appointed in accordance with applicable agency procedures, following consultation with the advisory committee.

(c) *Pay for consultants to an advisory committee.* An agency shall fix the pay of a consultant to an advisory committee after giving consideration to the qualifications required of the consultant and the significance, scope, and technical complexity of the work. The compensation may not exceed the maximum rate of pay authorized by 5 U.S.C. 3109, and shall be in accordance with any applicable statutes, regulations, Executive Orders and administrative guidelines.

(d) *Gratuitous services.* In the absence of any special limitations applicable to a specific agency, nothing in this subpart shall prevent an agency from accepting the gratuitous services of an advisory committee member, staff member, or consultant who agrees in advance to serve without compensation.

(e) *Travel expenses.* Advisory committee members and staff members, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of Title 5, United States Code, for persons employed intermittently in the Government service.

(f) *Services for handicapped members.* While performing advisory committee duties, an advisory committee member who is blind or deaf or who qualifies as a handicapped individual may be provided services by a personal assistant for handicapped employees if the member:

(1) Qualifies as a handicapped individual as defined by section 501 of

the Rehabilitation Act of 1973 (29 U.S.C. 794); and

(2) Does not otherwise qualify for assistance under 5 U.S.C. 3102 by reason of being an employee of an agency.

(g) *Exclusions.* (1) Nothing in this section shall prevent any person who (without regard to his or her service with an advisory committee) is a full-time Federal employee from receiving compensation at a rate which he or she otherwise would be compensated as a full-time Federal employee.

(2) Nothing in this section shall prevent any person who immediately before his or her service with an advisory committee was a full-time Federal employee from receiving compensation at the rate at which he or she was compensated as a full-time Federal employee.

(3) Nothing in this section shall affect a rate of pay or a limitation on a rate of pay that is specifically established by law or a rate of pay established under the General Schedule classification and

pay system in chapter 51 and chapter 53 of Title 5, United States Code.

**§ 101-6.1034 [Reserved]**

**§ 101-6.1035 Reports required for advisory committees.**

(a) Within one year after a Presidential advisory committee has submitted a public report to the President, the President or his delegate will prepare a follow-up report to the Congress detailing the disposition of the committee's recommendations in accordance with section 6(b) of the Act;

(b) The President's annual report to the Congress shall be prepared by GSA based on reports filed on a fiscal year basis by each agency consistent with the information specified in section 6(c) of the Act. Reports from agencies shall be consistent with instructions provided annually by the Secretariat. This report has been cleared in accordance with FIRM 201-45.6 in 41 CFR Chapter 201 and assigned interagency report control number 0304-GSA-XX.

(c) In accordance with section 10(d) of the Act, advisory committees holding closed meetings shall issue reports at least annually, setting forth a summary of activities consistent with the policy of Section 552(b) of Title 5, United States Code.

(d) Subject to section 552 of Title 5, United States Code, eight copies of each report made by an advisory committee, including any report on closed meetings as specified in paragraph (c) of this section, and, where appropriate, background papers prepared by consultants, shall be filed with the Library of Congress as required by section 13 of the Act, for public inspection and use at the location specified in paragraph (a)(2) of § 101-6.1013.

Dated: November 24, 1987.

**T.C. Golden,**

*Administrator of General Services.*

[FR Doc. 87-27776 Filed 12-1-87; 8:45 am]

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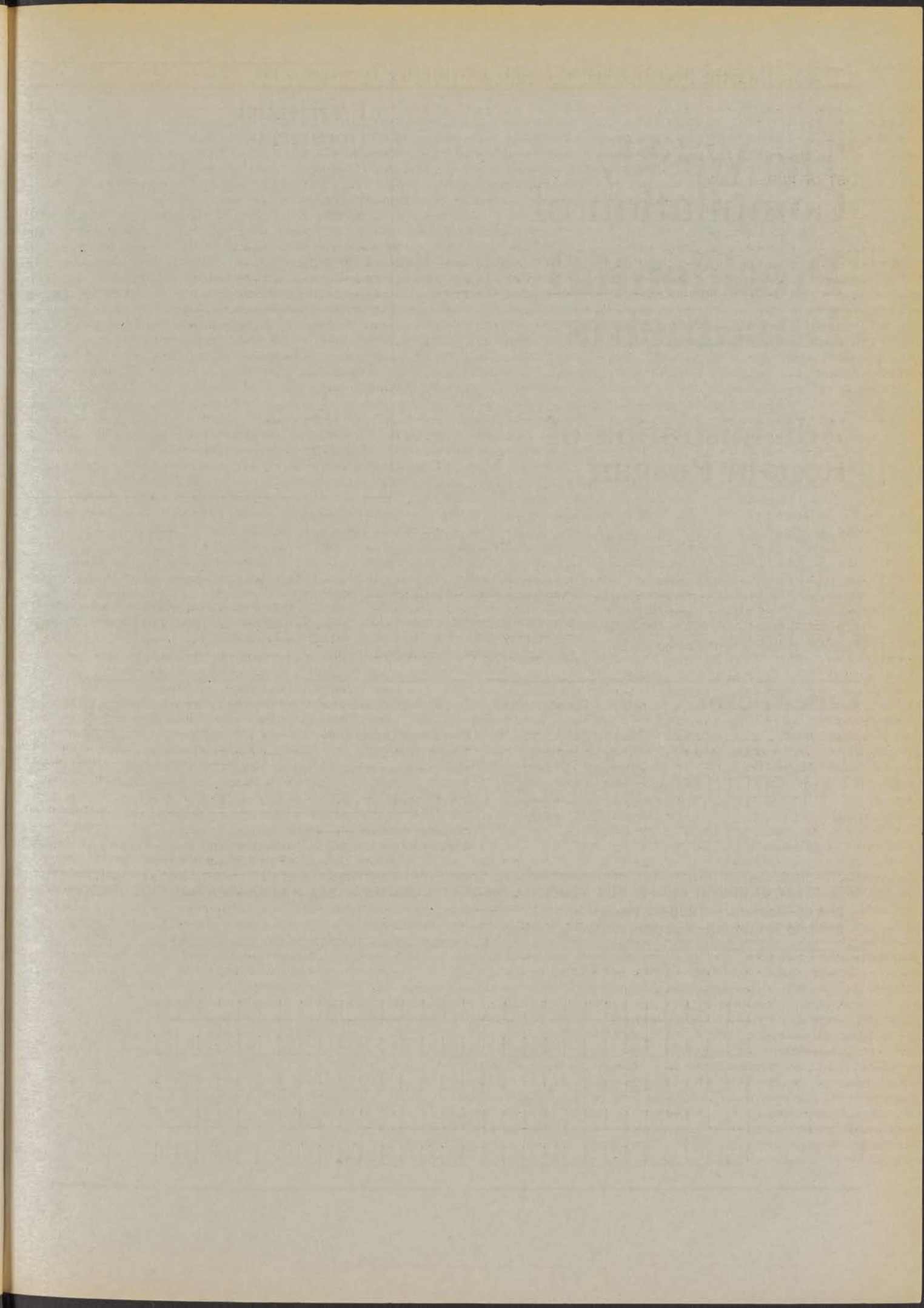
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